

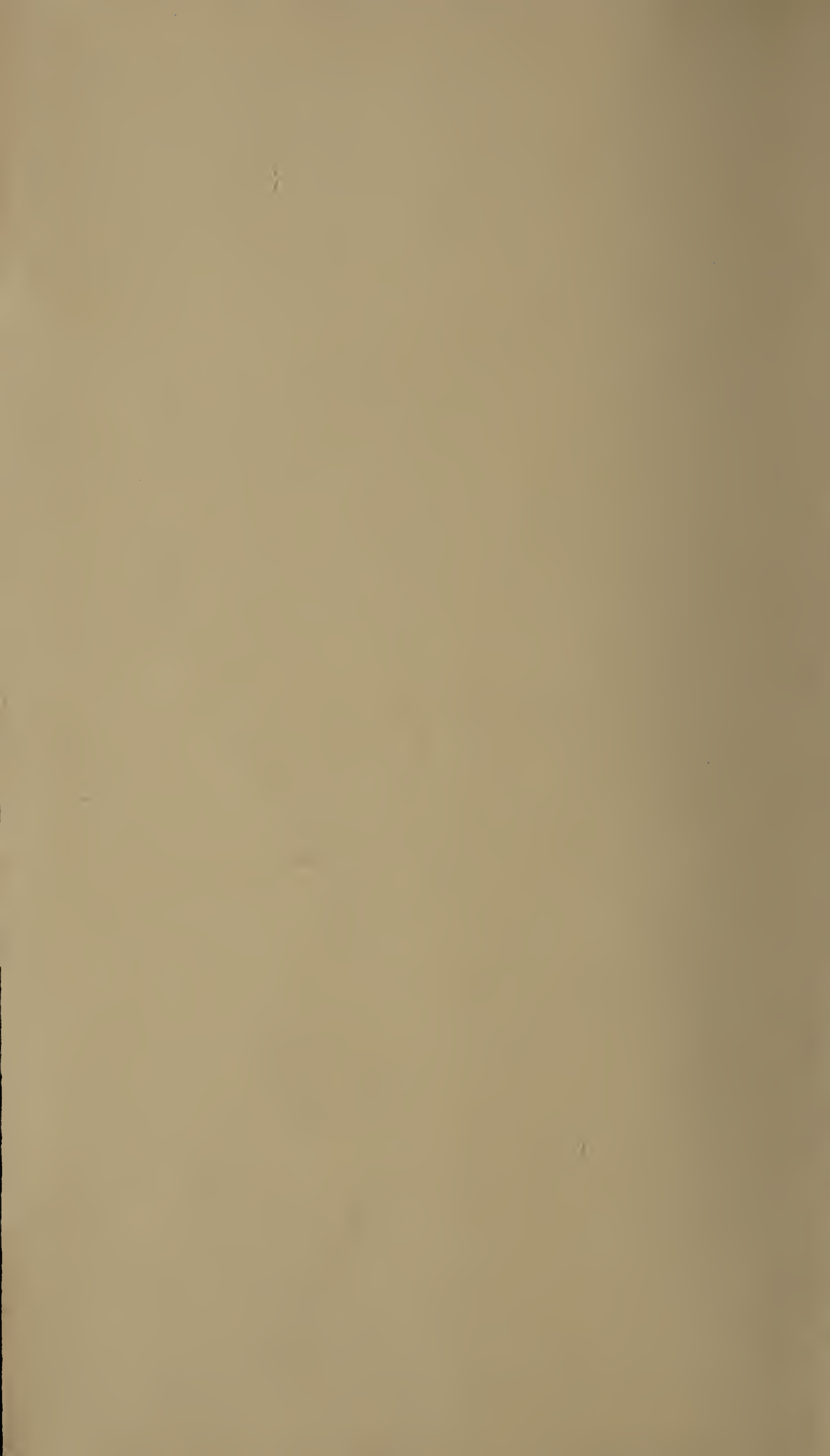


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IRISH 1798 COLLECTION

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*R. Hartley Becham*

*May*  
A NOTE *Bech*

TO THE

# CORNWALLIS PAPERS;

EMBRACING, WITH OTHER REVELATIONS,

A NARRATIVE OF THE EXTRAORDINARY CAREER

OF

FRANCIS HIGGINS,

WHO RECEIVED THE GOVERNMENT REWARD FOR THE

BETRAYAL OF LORD EDWARD FITZGERALD.

BY

WILLIAM JOHN FITZPATRICK.

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DUBLIN :

W. B. KELLY, 8, GRAFTON-STREET.  
1859.

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*Price Two Shillings.*





## PRELIMINARY WORDS.

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This odd pamphlet has grown out of a letter on the same subject which appeared in several of the Irish Newspapers a few weeks ago. The object of that letter was to remove a misapprehension under which the *Times* and *Athenæum*, in their reviews of the Cornwallis Papers, labored, and which, owing to the influential character of these journals, was eagerly embraced by a number of minor newspapers, and by the Public generally.

For sixty-one years the name of the person who received the Government reward in 1798, for the betrayal of Lord Edward Fitzgerald, has remained an impenetrable mystery, notwithstanding that several historical writers have devoted much time and labour in seeking to discover it. Among other revelations, however, recently published in the Cornwallis Papers, we find that, "Francis Higgins, proprietor of the *Freeman's Journal*," was the person who communicated to the Government all the information which led to the arrest and death of the Patriot Peer. It also appeared, but not for the first time, that Mr. M'Nally, the counsel of the United Irishmen, had been in the secret pay of the Castle.

The *Athenæum*, after very justly reprobating the scoundrel duplicity of this man who acted as confidential legal adviser of

the patriots of '98, and for a base bribe systematically betrayed their secrets to the Castle, observed, "But the second item was scarcely less disgusting. The *Freeman's Journal* was a patriotic print, and advocated the popular cause, and its proprietor earned blood-money by hunting down the unfortunate Lord Edward Fitzgerald!"

"Truth is stranger than fiction," however; and the *Freeman's Journal* when owned by Higgins was not only the open and notorious organ of the then corrupt government, but the most violent assailant of the popular party in Ireland.

The *Times*, speaking of the United Irishmen, said: "They believed themselves to be embarked in a noble cause, and were cheered on the path that led to martyrdom by the spirit-stirring effusions of a press which felt for their wrongs, shared their sentiments, and deplored their misfortunes. Alas! the press that encouraged was no more free from the influence of government than the advocate who defended them. Francis Higgins, proprietor of the *Freeman's Journal*, was the person who procured all the intelligence about Lord Edward Fitzgerald. When we reflect that the *Freeman's Journal* was a favourite organ of the United Irishmen, that in that capacity it must have received much secret and dangerous information, and that all this information was already bargained for and sold to the Irish Government before it was given, we can appreciate at once the refinement of its policy, and the snares and pitfalls among which the path of an Irish conspirator is laid."

The strange misapprehension in regard to Higgins under which the paragraphs of the *Times* and *Athenæum* were written, found a prompt echo in the *Evening Mail*, *Nation*, *Dublin Evening Post*, and other influential Irish Journals. The *Nation* gave it to be understood that Higgins, having

become a secret traitor to his party, published, "next morning thundering articles against the scoundrels who betrayed the illustrious Patriot"; and in a subsequent article, a fortnight later, added: "What fouler treachery was ever practised than the subornation of the journals and the writers in whom the people placed a mistaken confidence, whereby the unsuspecting victims were made to cram a mine for their own destruction!"

These statements excited a considerable sensation in Ireland. The Provincial Press reiterated them, and locally fanned the flame. The *Meath People*, in an article headed, "Who does the Government work?" after alluding to Higgins, said: "Shame, shame for ever on the recreant who had patriotism on his pen point and treason to the country in his heart! Every member of the brotherhood of the Press should denounce him."

The author of the following pages had ascertained, on inquiry, the utter groundlessness of the charge of duplicity or double-dealing on the part of the *Freeman's Journal* in 1798; and believing that the present proprietor of that newspaper was cognizant to the same extent, he looked forward, for many days, to some editorial statement from him which would have the effect of dispelling the erroneous impression in question. But the writer found, on inquiry, that so confidently and so repeatedly had the charge of duplicity against the *Freeman*, at the important period in question, been rung, that its present editors had themselves begun to regard it as not altogether unfounded. A letter from the writer, explanatory of the real facts, was therefore gratefully accepted on February 6th by the conductor of the *Freeman's Journal*, who introduced it to his readers in the following words, less by a few observations complimentary to the writer:—

“The sad fate of the gallant Lord Edward excited peculiar and permanent interest in the minds of all men who prized chivalry and patriotism; and when the publication of the Cornwallis papers disclosed the name of the government agent who had tracked the noble chief to his doom, a host of reviewers, ignorant of the history of the time, and anxious only to cast a slur on the patriots of a bye-gone century, wrote beautiful romances about the betrayer of Lord Edward. From the *Times* to the lowest class of publications the reviewers have represented Higgins as the confidant of the United Irishmen—as a ‘patriotic’ journalist, who sustained the popular party with his pen, and sold them for Castle gold. Mr. Fitzpatrick dissipates the romance by showing who and what Higgins was—that he was the public and undisguised agent of the English Government—that his journal, instead of being ‘patriotic,’ or even friendly to the United Irishmen, was the constant vehicle of the most virulent assaults upon their character and motives—that he was the ally and friend of the notorious John Scott—that, as a journalist, he was the panegyrist of the notorious Sirr, and his colleague, Swan, and that he never mentioned the name of an Irish patriot—of Lord Edward, O’Connor, Teeling, or their friends—without some such insulting prefix as ‘traitor,’ ‘wretch,’ ‘conspirator,’ ‘incendiary,’ while the Government that stimulated the revolt, in order to carry the Union, is lauded as ‘able,’ ‘wise,’ ‘humane,’ and ‘lenient’! These events are now more than half a century old; but, though nearly two generations have passed away since Higgins received his blood-money, it is, as is justly remarked by Mr. Fitzpatrick, gratifying to have direct evidence that the many high-minded and honorable men who were, from time to time, suspected for treachery to their chief, were innocent of his blood.”

The misapprehension to which the *Times*, the *Athenœum*, and other leading journals, gave forcible expression, was calculated to convey not only a libel upon Irish popular journalism, (which is probably conducted with as much honesty as in any other country), but also a libel on the credulity of the people of Ireland; and the writer, feeling but too well assured that the statement, if unrefuted, would soon find its way into the permanent page of Irish history, at length came forward in a public letter which speedily elicited from the *Nation*—a journal now at war with the *Freeman*—an attack, in which it was suggested that “Mr. Fitzpatrick, under pretence of describing the *Freeman* and its Editor, in '98, was adroitly describing the *Freeman* and its Editor of to-day.” The writer, in conclusion, was amusingly villipended by the *Nation*, for having, to use its own phrase, “whitewashed” the fame of the present conductor of the *Freeman*.

Having very carefully consulted the Irish newspaper files of the last century, as well as various other sources of information, documental and oral, a variety of curious notes illustrative of the career of the once remarkable but long forgotten Francis Higgins, accumulated in the writer's hands, which he could not use within the necessarily curtailed limits of a public letter. But having, in the document referred to, glanced rapidly at a few of the more extraordinary incidents in the life of this strange adventurer and employé of the Government, which elicited not a few expressions of surprise, and even of incredulity, the writer conceived that it was somewhat incumbent upon him to narrate the “Sham Squire's” history more in detail, and with a larger array of authorities than he had previously leisure or space to bring forward. The narrative, which has necessitated no small amount of research, is now presented to

the reader, and the writer trusts that it may be found to form a singularly curious note to the History of Ireland before the Union.

The writer, in conclusion, has only to observe that he feels the less hesitation in publishing these details, from the fact that Mr. Higgins, although twice married, left no children, or even a relative of his name behind him.

*Kilmacud Manor,*  
*Stillorgan, Dublin,*  
*May 1st, 1859.*

## A NOTE TO THE CORNWALLIS PAPERS.

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In the year of our Lord 1756, or thereabouts, a bare-legged boy with cunning eyes, might not unfrequently be seen carrying pewter quarts in Fishamble-street,\* then a central locality, and a popular place of resort in consequence of the Ridottos, Concerts, and feats of magic, which continually made the old Music Hall an object of attraction. This bare-legged boy became the subsequently notorious Justice Higgins, or as he was more frequently styled, the Sham Squire. Fishamble-street, as the scene of his *debut* in the character of a pot-boy, is mentioned in the file of the *Dublin Evening Post* for 1789; and this account we find corroborated by a traditional anecdote which Mr. R——— a respectable bookseller of Dublin, has communicated on the authority of his late grand-mother, who frequently told him how she remembered her father, a Provision Merchant in Fishamble-street, employing Higgins, then a bare-footed lad, to sweep the flags in front of his door.

Our adventurer was the only survivor of a large family of brothers and sisters, the children of humble people named Patrick and Mary Higgins, who died about the year 1760, and were interred† in Kilbarrack churchyard, alias the abbey of Mone, an unfenced ruin near Howth, used almost exclusively as a pauper burial place. Higgins's people are said to have migrated from Downpatrick in the last century; and we learn from the same authority that their real name was M'Quignan.‡ He himself was born in a cellar in Dublin, and while yet of tender years became successively "errand boy, shoeblack, and waiter, in a porter house."

The number of times which Higgins used his broom, or carried pewter pots, would be uninteresting to enumerate, and unprofitable to record. We shall, therefore, pass over a few years occupied in this manner, and re-introduce Mr. Higgins to the reader, now discharging his duties as a "hackney writing clerk" in the office of Daniel Bourne, Attorney at Law, Patrick's Close, Dublin.§ After some

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\* *Dublin Evening Post*. no. 1789.

† Will of Francis Higgins preserved in the Prerogative Court, Dublin.

‡ *Dublin Evening Post*, no. 1837.      § *Dublin Evening Post*, no. 1765.

years' practice here, Higgins at length became so perfect a master of scrivinery, that a strong temptation seems to have smote him to turn his talent for caligraphy to some more substantial account than it was likely to meet in Mr. Bourne's Office at Patrick's Close. The salary paid by attorneys to hackney clerks at this period did not exceed £16 per annum.\* Higgins had great ambition, but without money and connexion he was powerless. Accordingly to gain these ends, we find Mr. Higgins, in 1766, forging with his cunning brain, and ready hand, a series of legal instruments purporting to shew that he was not only a man of extensive landed property, but in the enjoyment of a situation of some importance under the Government. Trusting to his consummate tact for complete success, Higgins, full of a daring, but dastardly project, sought Father John Austin,† one of the most distinguished ecclesiastics of his day, and, on his knees in confession, hypocritically declared himself a convert to the Catholic Church. The iron pressure of the Penal code had not then received its first relaxation; Catholics were daily conforming to the Establishment; Father Austin regarded Mr. Higgins's case as a very interesting and touching one; and he affectionately received the young convert squire into the heaving bosom of the suffering Church of Ireland. "And now, holy father," said the penitent, "I must implore of you to keep my conversion secret. My parent has got a property of £3000 a-year, and if this matter transpires I will be disinherited." The good pastor affectionately assured him that he would be as silent as the grave; he gave him his blessing, and Higgins retired, hugging himself in his dexterity, and offering mental congratulations on the prospect that began to open to his future success. When this holy intercourse had continued for some time, Higgins told his spiritual adviser that the ease of his soul was such as induced him humbly to hope that the Almighty had accepted the sincerity of his repentance. "If anything be now wanting to my complete happiness," he added, "it is an amiable wife, of the true religion, whose bright example will serve to keep my frail resolutions firm; as to the quantum of fortune, it is an object of little or no consideration, for, as you are aware, my pecuniary expectations are most ample."‡ His engaging manner quite won the heart of

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\* *Faulkner's Dublin Journal*. January 24th, 1767.

† *Dublin Evening Post*, No. 1765.

‡ *Sketches of Irish Political Characters*, Lond. 1799, p. 182.



Father Austin, who mentally resolved, and openly avowed to befriend him as far as in his power lay. Duped by the hypocrisy and the false pretences of our adventurer, the unsuspecting priest introduced him to the family of an eminent Catholic merchant named Archer, who resided in Thomas-street, within a few minutes' walk of Father Austin's house in Archbold's-court.

To strengthen his footing Higgins ordered some goods from Mr. Archer, and requested that they might be sent to 76, Stephen's-green, the house of his uncle, the then celebrated Counsellor Harward. Mr. Archer treated his visitor with the respect due to the nephew, and as it seemed the heir presumptive of that eminent lawyer. The approach to deformity of Higgins's person had made Miss Archer from the first loath him; but her parents, who rejoiced at the prospect of an alliance so apparently advantageous, sternly overruled the fair young heiress's reluctance. The intimacy increased. Higgins accompanied Mr. Archer and his daughter on a country excursion; they returned to town through Stephen's-green, and in passing Mr. Harward's house Higgins in a loud tone expressed a hope to some person at the door that his uncle's health continued to convalesce.\* When too late Mr. Archer discovered that no possible relationship existed between his hopeful son-in-law, and the old Counsellor.

It is also traditionally stated by Mr. R———of Dublin, that Higgins very fully availed himself of an intimacy which he had formed with the servants of one of the judges. His Lordship having gone on circuit, a perfect "high life below stairs" was performed in his absence; and Higgins, to promote the success of his scheme, absolutely succeeded in persuading his friend the coachman to drive him to a few places in the judicial carriage.

The imposture was too well planned to fail: but let us allow the heart-broken father to tell the tragic tale in his own words.

*County of the City* } The examination of William Archer of  
*of Dublin, to wit.* } Dublin, Merchant, who being duly sworn  
 and examined saith, that on the 19th day of November [1766] last one Francis Higgins, who this examinant now hears, and believes to be a common hackney writing clerk, came to the house of this examinant in company with a Clergyman of the Church of Rome,† and was in-

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\* Tradition communicated by the Very Rev. Monsig. Yore.

† Father John Austin, the priest in question, having received ordination as a Jesuit at Champaign, returned to his native City of Dublin in 1750, where he opened a school, in which John O'Keeffe, the dramatist, as we

roduced to this examinant and his family, as a man possessing lands in the county of Down, to the amount of £250 per annum, which he the said Francis pretended to this examinant, in order to deceive and cheat him; and also that he was in considerable employ in the Revenue; and that he was entitled to a large property on the death of William Harward, Esq, who said Higgins alleged was his guardian and had adopted him. In a few days after this introduction (during which time he paid his addresses to Miss Maryanne Archer, the daughter of this examinant) he produced to the examinant a state of a case, all of his own handwriting, saying, that he was entitled to the lands of Ballyveabeg, Islang, Ballahanera, and Dansfort in the county of Down, and the more effectually to deceive and cheat this examinant and his daughter, Higgins had at the foot thereof obtained the legal opinion of the said William Harward, Esq., that he was entitled to said lands under a will mentioned to be made in said case. Higgins, in order to deceive this examinant, and to induce him to consent to a marriage with his daughter, agreed to settle £1500 on her, and informed examinant that if said marriage was not speedily performed, his guardian would force him to take the oath to qualify him to become an attorney, which he could not think of as he pretended to be of the contrary opinion, and that as to the title deeds of said lands he could not then come at them, being lodged as he pretended with William Harward, Esq. But that if examinant thought proper, he would open a window in William Harward's house, in order to come at said deeds, let what would be the consequences. Examinant was advised not to insist on said measure, and therefore waived it; and relying on the many assertions and representations of the said Higgins, and of his being a person of consideration and property, and particularly having great confidence in the opinion of so eminent a lawyer as William Harward, this examinant having found on enquiry, the same was the handwriting of Harward, agreed to give Higgins £600 as a portion with examinant's daughter, and one half of this examinant's substance at his death, which he believes may amount to *a considerable sum*, and executed writings for the performance of said agreement. And upon said marriage Higgins perfected a deed, and thereby agreed to settle the lands above mentioned on the issue of said marriage, together with £1500 on examinant's daughter. Soon after the marriage, the examinant being informed of the fraud, he made enquiries into the matters so represented by the said Higgins to facilitate said fraud, and the examinant found that there was not the least colour of truth in any of the pretences or suggestions so made by Higgins, and that

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learn from his "Recollections," and the majority of the Catholic youth of Dublin, received their education. Bunden, who published a tour through Ireland in 1791, tells us that "Austin was a very remarkable character about fourteen years ago, of extraordinary learning and piety: he dedicated all his acquisitions, which were considerable, to the poor—visiting them in cellars and garrets—never a day happy that he did not give food to numbers. The principal Roman Catholics, knowing well his disposition, were liberal to him; he kept his door open to all who were in want, and was constantly on foot administering relief to innumerable poor wretches. Besides this he was a great preacher, and injured his health by his exertions in the pulpit." Austin died, in great want, in 1784! For further details respecting the life of this eminent priest see Gilbert's Dublin, v. i., p. 313, and Battersby's History of the Jesuits.

he was not entitled to a foot of land, either in this kingdom or elsewhere, nor of any personal property, nor hath he any employment in the Revenue or otherwise. Notwithstanding the repeated assurances of the said Higgins, and the said several pretences to his being a person of fortune or of business; he now appears to be a person of low and indigent circumstances, of infamous life and character,\* and that he supported himself by the craft of a cheat and impostor, nor is the said William Harward either guardian or any way related to Higgins as this examinant is informed and verily believes.

The once eminent Counsellor Harward was called to the Irish bar in Michaelmas term, 1718: he sat in the Irish Parliament for several years. At the period when Higgins took such strange liberties with his name Mr. Harward was in an infirm state of health, and rarely left his house; he died, childless, in 1772.

The following is a copy of the true Bill found by the grand jury against Higgins:—

*County of the City* }  
*of Dublin, to wit.* } The Jurors for our Lord the King, upon their oath, say that Francis Higgins, of Dublin, Yeoman, being a person of evil name, fame, and dishonest conversation, and a common deceiver and cheat of the liege subjects of our said Lord, and not minding to gain his livelihood by truth and honest labour, but devising to cheat, cozen, and defraud William Archer of his monies, fortune, and substance, for support of the profligate life of him, the said Francis Higgins, and with intent to obtain Maryanne Archer in marriage, and to aggrieve, impoverish, and ruin her, and with intent to impoverish the said William Archer, his wife, and all his family, by wicked, false, and deceitful pretences, on the 19th November, in the seventh year of the reign of King George III., and on divers other days and times, with force and arms, at Dublin, in the parish of St. Michael, the more fully to complete and perpetrate the said wicked intentions and contrivances, did fraudulently pretend to the said William Archer that he, the said F. Higgins, was possessed of, and entitled unto a freehold estate, in lands and tenements, of the clear yearly value of £250, and that he then had an employment in the Custom House; though, in truth and in fact, the said F. Higgins was not then, nor is he now possessed of, or entitled to any estate, nor hath he any manner of employment in the Custom House or elsewhere. And the Jurors aforesaid, upon their oath, do further say that the said Higgins, with intent to deceive and defraud the said William and Mary Archer, and to prevail upon the said William to give his daughter to him with a large fortune, did falsely and wickedly produce and exhibit a deceitful and untrue state of the case of the said Higgins, with the opinion of Counsellor

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\* From a contemporary publication, "Irish Political Characters," we learn that when Higgins acted as an attorney's clerk his talents were not confined exclusively to the desk. "His master's pleasures found an attentive minister in Sham, and Sham found additional profits in his master's pleasures."

Harward thereon, in favor of him, the said Higgins; and which case had been, before that time there for the purpose of deceiving the said William and Mary Archer, fabricated by the said Higgins, and that he did also fraudulently pretend and assert that the title deeds of the said estate were then in the hands of Mr. Harward; and the Jurors, upon their oath, do further say that Francis Higgins, by the said false and wicked pretences, prevailed upon William Archer to have confidence, and to give the said Mary Archer in marriage to him; and to execute a certain writing whereby he engaged to give Higgins £600; and also engaged that after his (Archer's) death he should have one-half of all the said William Archer's worldly substance. The said F. Higgins, by the same wicked pretences, procured Maryanne Archer to be given in marriage to him, to the great damage of the said William Archer, to the great discomfort, prejudice, injury, and disquiet of mind of the said Maryanne and the rest of the family, to the evil example of all others, and against the peace of our said Lord the King, his crown and dignity.

It would seem that a person named Francis Higgins really held an appointment in the Custom House, and that our adventurer turned the coincidence to some account in carrying out his imposture. That the latter had a namesake in that important public office is evident from the following matrimonial announcement in the *Freeman's Journal* of October 21st, 1766:—"Mr. Francis Higgins of the Custom House to Miss Anne Gore of St. Stephen's Green, an accomplished young lady with a handsome fortune."

There is a painfully interesting episode connected with this imposture which the foregoing documents do not tell. As soon as the marriage between Higgins and Miss Archer had been solemnised he brought her to some lodgings which he had taken at Lucan. The bride after a few days matrimonial experience found that Higgins was by no means a desirable husband either in a pecuniary or a companionable point of view, and having watched her opportunity to escape, she at length fled, with almost maniac wildness, to Dublin. Higgins gave chase, and came in sight just as the poor girl had reached her father's house in Thomas-street. It was the dawn of morning, and her parents had not yet risen; but she screamed piteously at the street door, and Mrs. Archer in her night dress got up and opened it. The affrighted girl had no sooner rushed through the threshold than Higgins came violently up, and endeavoured to push the door open. Mrs. Archer resisted. She placed her arm across the ample iron sockets which had been formed for the reception of a large wooden bolt. Higgins applied his strength. Mrs. Archer cried wildly

for relief and mercy ; but her hopeful son-in-law disregarded the appeal, and continued to force the door with such violence, that poor Mrs. Archer's arm was crushed in two.\*

Immediately on the informations being sworn Higgins was committed to prison. We read that on January 9th, 1767, the citizens of Dublin witnessed his procession from Newgate in Cutpurse-row to the Tholsel, or Sessions' House at Christ Church-place, then known as Skinner's row.†

The Hon. Christopher Robinson, Second Justice of the King's Bench, tried the case. It was unusual in those days to report ordinary law proceedings ; and there is no published record of the trial beyond three or four lines of print. But the case excited so considerable a sensation that its leading details are traditionally preserved to this day among several respectable families in Dublin. *Faulkner's Journal* of the day records :—“ At an adjournment of the Quarter Sessions, held at the Tholsel, January 9th, 1767, Francis Higgins was tried and found guilty of several misdemeanours.”‡ At the commission of Oyer and Terminer following, we find that Higgins stood his trial for another offence committed subsequent to his conviction and imprisonment in the case of Miss Archer. The leniency of the punishment inflicted on Higgins, which permitted him to roam abroad, within a few weeks after having been found guilty of “ *several misdemeanours,*” will not fail to surprise the humane reader. But a most violent hatred of Popery prevailed at that time ; and even the Bench of Justice often covertly rejoiced whenever it had the power to give a rebuff to those who had spurned the allurements of Protestantism, and clung with fidelity to the oppressed Church.§ With

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\* Tradition communicated by Very Rev. Monsig. Yore, V.G.

† *Dublin Evening Post*, No. 1829. ‡ *Faulkner's Dublin Journal*, No. 4144.

§ About 1759, Laurence Saul of Saul's-court, Fishamble-street, a wealthy Catholic Distiller, was prosecuted for having harboured a young lady who had sought refuge in his house to avoid being compelled by her friends to conform to the Established Church. The Lord Chancellor in the course of this trial declared that the law did not presume that an Irish Papist existed in the Kingdom!! Saul, writing soon after to Charles O'Connor, says :—“ Since there is not the least prospect of such a relaxation of the Penal laws as would induce one Roman Catholic to tarry in this House of Bondage, who can purchase a settlement in some other land where freedom and security of property can be obtained, will you condemn me for saying that if I cannot be one of the first, I will not be one of the last to take flight?” Saul then bemoans the hard necessity of quitting for ever, friends,

reference to the Archer case, we find that Judge Robinson in his charge to the jury observed, that Higgins could not be heavily punished for attempting false pretences, and flying under false colours in the family of Mr. William Archer, inasmuch as if they believed the prisoner at the bar to be the important personage which he represented himself, their own conduct presented a deception and *suppressio veri* in not acquainting the prisoner's pretended guardian and uncle with the matrimonial intentions, which unknown to his family, he entertained. "Gentlemen," added the Judge, "that deception has existed on both sides, we have ample evidence. 'Tis true this sham Squire is guilty of great duplicity, but so also are the Archers."\*

In thus facetiously fastening upon Higgins that admirable nickname, which throughout his subsequent highly inflated career, clung to him with the implacable pertinacity of a fiend, Judge Robinson unintentionally inflicted a punishment by far more severe than a long term of imprisonment in Newgate, or the Black Dog.

Higgins exhibited great self-possession in the dock; and he is said to have had the incredible effrontery to ask the jury if there was one man amongst them who would not do as much to possess so fine a girl.†

Judge Robinson had little reputation as a lawyer, and was very unpopular in Ireland. When proceeding to the Armagh assizes, in 1763, he found a gallows erected, and so constructed across the road, that it was necessary to pass under it. To the "Heart-of-Oak-Boys" Judge Robinson was indebted for this compliment.‡ He was called to the Bar in 1737, and died in Dominick-street, at the close of 1786. Mr. O'Regan, in his *Memoir of Curran*, describes Judge Robinson as small and peevish. A member of the

relatives, and an ancient patrimony, at a time of life when nature had far advanced in its decline, and his constitution by constant mental exercise was much impaired, to retire to some dreary clime, there to play the schoolboy again, to learn the language, laws, and institutions of the country, to make new friends—in short to begin the world anew. "But," he adds, "when religion dictates, and prudence points out the only way to preserve posterity from temptation and perdition, I feel this consideration predominating over all others. I am resolved, as soon as possible, to sell out, and to expatriate." Saul retired to France, and died there in 1768—*Gilbert's Dublin—Memoirs of Charles O'Conor*.

\* Traditional details communicated by Mr. G——, of Dublin.

† *Dublin Evening Post*, No. 1765.

‡ Hardy's *Life of Charlemont*, v. i, p. 189.

Bar named Hoare, resisted the moroseness of the Judge with uncompromising sternness ; at last, Robinson charged him with a design to bring the King's Commission into contempt. "No, my Lord," replied Hoare, "I have read that when a peasant, during the troubles of Charles the I., found the crown in a bush, he showed it all marks of reverence ; but I will go further, for though I should find the King's Commission even upon a *bramble*, still I shall respect it." Mr. Charles Phillips tells us\* that Judge Robinson had risen to his rank by the publication of some political pamphlets, only remarkable for their senseless, slavish, and envenomed scurrility. This fellow, when poor Curran was struggling with adversity, and straining every nerve in one of his infant professional exertions, made a most unfeeling effort to extinguish him. He had declared, in combating some opinion of his adversary, that *he had consulted all his law books*, and could not find a single case, in which the principle contended for was established. "I suspect, sir," said the heartless blockhead, "I suspect that your law library is rather contracted!" So brutal a remark applied from the bench to any young man of ordinary pretensions would infallibly have crushed him ; but when any pressure was attempted upon Curran, he never failed to rise with redoubled elasticity. He eyed the judge for a moment in the most contemptuous silence : "It is very true, my lord, that I am poor, and the circumstance has certainly rather curtailed my library ; my books are not numerous, but they are select, and I hope have been perused with proper dispositions. I have prepared myself for this high profession rather by the study of a few good books than *by the composition of a great many bad ones*. I am not ashamed of my poverty, but I should of my wealth, could I stoop to acquire it by servility and corruption. If I rise not to rank, I shall at least be honest ; and should I ever cease to be so, many an example shows me, that an ill-acquired elevation, by making me the more conspicuous, would only make me the more universally and the more notoriously contemptible."†

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\* Curran and his Contemporaries, pp. 58-9.

† Mr. W. H. Curran in the Memoirs of his father (i. p. 122) supplies some points in the dialogue with which Mr. Phillips seems to have been unacquainted. Judge Robinson had published his scurrilous pamphlets

Poor Miss Archer did not long survive her humiliation and misfortune. She died of a broken heart, and her parents, after following her remains to the grave, soon followed their child's example.

Mr. Higgins's companions throughout the period of his detention in Newgate, were not of the most select description, nor were the manners prevalent in the place calculated to reform his reckless character. Wesley having visited the prison found such impiety prevailing, that he always looked back upon it with feelings of loathing. "In 1767," observes Mr. Gilbert, in his History of Dublin, "Newgate was found to be in a very bad condition, the walls being ruinous, and a constant communication existing between the male and female prisoners, owing to there being but one pair of stairs in the building."\* The gaoler carried on an extensive trade by selling liquors to the inmates at an exorbitant price; and prisoners refusing to comply with his demands, were abused, violently beaten, stripped naked, and dragged to a small subterranean dungeon, with no light save what was admitted through a sewer, which ran close by it, carrying off all the ordure of the prison, and rendering the atmosphere almost insupportable. In this noisome oubliette, perversely called the nunnery, from being the place where abandoned females were usually lodged, twenty persons were frequently crowded together, and plundered. Criminals under sentence of transportation were permitted to mix among the debtors. By bribes, and collusion between the gaoler and the constables legal sentences in many instances were not carried out. These practices at length attracted the attention of the Legislature, and met with energetic correction. Among other facts which transpired in the resolution of the House of Commons, we find, that the gaoler had "unlawfully kept in prison and loaded with irons, persons not duly committed by any magistrate, till they had complied with the most exorbitant demands."

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anonymously. "My books may be few," added Curran, "but the title pages give me the writers' names; my shelf is not disgraced by any of such rank absurdity, that their very authors are ashamed to own them." After some further hard hits, Robinson exclaimed, "if you say another word, sir, I'll commit you." "Then, my Lord," replied Curran, "it will be the best thing you'll have committed this term." Robinson endeavoured to deprive the advocate of his gown, but failed.

\* Gilbert's Dublin, p. 265-6, v. i.



Ashenhurst Isaack, gaoler of Newgate, having been dismissed from his situation in 1721, for allowing a number of prisoners to escape, was succeeded by John Hawkins, who, as Mr. Gilbert reminds us, paid the Mayor £100 as a *douceur* for having secured him the appointment!

Even when in durance Mr. Higgins's cunning did not forsake him. Though far from being a Macheath in personal attractions, he contrived to steal the affections of the Lucy Lockit of the prison, and the happy couple were soon after married.\* The gaoler was an influential person in his way, and subsequently promoted the worldly interests of his son-in-law.

For his "misdemeanours" in the family of Mr. Archer, Higgins was committed to Newgate on January 9th, 1767; but the punishment does not seem to have made much impression on him. In the *Freeman's Journal* for February 28, 1767—the paper of which Higgins subsequently became the influential editor and proprietor—we find the following:

"At the commission of Oyer and Terminer, Mark Thomas, a Revenue officer, and Francis Higgins, the celebrated adventurer, were convicted of an assault against Mr. Peck. The former was sentenced to pay a fine of £5, to be imprisoned six months, and to give security for his good behaviour for seven years, and the latter was fined £5, to be imprisoned one year, and to give £1000 security for his good behaviour for seven years."

The details embodied in an interesting letter, addressed on July 23, 1789, by "An old grey-headed Attorney," to John Magee, who through the medium of the *Dublin Evening Post* continued with indomitable perseverance to execrate Higgins when he became an efficient tool of the Government, and was absolutely placed on the Bench of Justice by them, being chronologically in place here, we subjoin the letter.

"In one of your late papers mention was made that the Sham had taken off the roll, the record of his conviction, in the case of Miss Archer, but if you wish to produce another record of his conviction, you will find one still remaining, in a case wherein the late John Peck, Grocer, of Corn-market, was plaintiff, and the Sham, and the late Mark Thomas, a Revenue officer, were defendants. Sham being liberated from Newgate on Miss Archer's affair, sought out the cele-

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\* *Dublin Evening Post*, No. 1796.

brated Mark Thomas, who at that time kept a shop in Capel-st. for the purpose of registering numbers in the then English Lottery at 1d. per number. Thomas found Sham a man fitting for his purpose, and employed him as clerk during the drawing, and afterwards as setter and Informer in Revenue matters.

Sham's business was to go to unwary grocers and sell them bags of tea by way of smuggled goods, and afterwards send Thomas to seize them and to levy the fines by Information. One evening, however, Sham and Thomas being inebriated, they went to John Peck's in Cornmarket, to search for run tea. Words arose in consequence: Sham made a violent pass at Peck with his Tormentor (an instrument carried by Revenue officers) and wounded him severely in the shoulder. Peck indicted them both: they were tried, found guilty, and ordered a-year's imprisonment in Newgate, where they remained during the sentence of the court.

The time of confinement having passed over, they were once more suffered to prowl on the public: Thomas died shortly after, and Sham enlisted himself under the banners of the late Charles Reilly of Smock-alley, who then kept a Public-house, with Billiard and Hazard tables. Reilly considered him an acquisition to prevent riotous persons spoiling the play; for Sham at that time was not bloated and was well known to be a perfect master in bruising, having carefully studied that art for two years in Newgate, under the noted Jemmy Stack.

Sham having lived some time at Reilly's, contrived by means of his cunning, to put Reilly in the Marshalsea, and at the same time to possess himself of Reilly's wife, his house, and his all. The unfortunate Reilly, from his sufferings, became frantic and insane, and his wife \* \* \* died miserably. Sham still holds the house in Smock-alley. It is sometimes let out for a B—l, at other times his worship occupies it as a warehouse, for the disposal of hose." \*

For this assault on Peck, we learn that Higgins "was publicly led, by the common hangman, through the streets of Dublin to the Court of King's Bench; and while in durance vile had no other subsistence than bread and water, save what he extorted by his piteous tale, and piteous countenance exhibited through the grated bars of a Newgate air-hole.† The next glimpse we get of Mr. Higgins is in the year 1775, or thereabouts, exercising the craft of a Hosier at "the Wholesale and Retail Connemara Sock and Stocking Warehouse, Smock-alley."—‡ He soon became a man of some mark in the trade, and as a testimony to his importance, we find him elected President of the Guild of Hosiers.§ From the time of Higgins's scrivenery perfor-

\* *Dublin Evening Post*, No. 1836.

‡ *Ibid* No. 1791.

† *Ibid* No. 1779.

§ *Ibid* No. 1775.

mances in the office of Mr. Daniel Burne, he had been regarded as a good writer in the caligraphical sense of the phrase ; but he now began to acquire some reputation for being a good writer in another sense, and in 1780 we find his services engaged by Mr. David Gibbal, conductor of the *Freeman's Journal*, and one of the Proprietary of *Pue's Occurrences*. Gibbal had been a glover, residing in Black Pitts,\* and probably his acquaintance with Higgins was formed in the course of business transactions, which may have commenced during the connection of the latter with the hosiery trade.

*The Public Register or Freeman's Journal* stood high as a newspaper. In 1770 it became the organ of Grattan, Flood, and the other opponents of the corrupt Townshend administration ; while in *Hoey's Mercury* the Viceroy was defended by Jephson, Marley, and Simcox. In literary ability and arrangement the *Freeman* of that day has been pronounced, by a competent authority, as " incomparably superior to its Dublin contemporaries, and had the merit of being, with the exception of the *Censor*, the first Irish newspaper which published original and independent political essays."† Dr. Jebb, and Robert, afterwards Judge Johnson, contributed able papers to the *Freeman* at this period. Until 1782 it was printed at St. Audeon's Arch ; but at the close of that year Gibbal transferred it to Crane Lane, and for long after, when Higgins became owner of the paper, it went by the derisive appellation of the Crane Lane Journal.‡ An examination of the *Freeman's Journal* during Higgins's early connection with it, exhibits the politics of the paper as somewhat apostatical. Highly favorable to Lord Northington and the other Viceroy's of that time, it virulently opposed the Catholics and their friends, but displayed some trace of its former democratic ardour by pronouncing the representation of the people in parliament to be partial, inadequate, and unconstitutional. Flood, Grattan, and the other members of the Opposition received no stint of abuse from the *Freeman* and the *Volunteer Evening Post*. Here is a specimen passage :—" The rascal few who derive a sorry meal from the propagation of

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\* Works of Charles Lucas, p. 432, vol. ii, London edition.

† Gilbert's Dublin, vol. i. p. 294

‡ *Dublin Evening Post*, file for 1789, *passim*.

political lies, are strangely at a loss how to make an opposition to the present administration."

In the journals of the Irish House of Commons we find an order issued, bearing date April 7, 1784, "That leave be given to bring in a Bill to secure the liberty of the press, by preventing abuses arising from the publication of seditious, false and slanderous libels. *Ordered*—that Mathew Cary, publisher of the *Volunteer's Journal*, be sent for in custody of the Sergeant-at-arms." Next day, "the Sergeant informed the House that he attempted to seize Mathew Carey, but he made his escape by leaping from a two pair of stairs window." Having prayed the Viceroy to offer a reward for his apprehension, the House "ordered that David Gibbal, one of the conductors of the *Freeman's Journal*, be sent for in custody of the Sergeant-at-arms. The said David Gibbal, being brought to the Bar and examined in the most solemn manner, was ordered to withdraw." In this examination Gibbal would seem to have thrown the onus on his colleague, the Sham Squire, for we find it "ordered that Francis Higgins, one of the conductors of the *Freeman's Journal*, do attend this House to-morrow morning."\* The terms in which Mr. Higgins was reprimanded are not recorded.

A short discussion on the subject may be found in the Irish Parliamentary Debates. The Right Hon. John Foster complained of the conduct of the *Freeman's Journal*, and General Luttrell, afterwards the notorious Lord Carhampton, defended it.†

On April 8th following, Mr. Foster brought in a Bill to secure the liberty of the Press, by preventing the publication of slanderous libels. The provisions of the Bill were, that henceforth the name of the proprietor of every newspaper should be registered upon oath at the Stamp Office, and that the printer enter into a recognizance of £500 to answer all civil suits which might be instituted against him for publications. Mr. Foster severely censured "those papers that undertake slander for hire, and calumny for reward;" Sir Hercules Rowley saw no necessity for the Bill; "he knew of no traitorous, scandalous, or malicious

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\* Common's Journals, vol. xi., pp. 267-268.

† Irish Parl. Debates, vol. iii., p. 147.

libels but one, viz. the title of the Bill itself, which was an infamous libel on the Irish nation." On April 12th, the subject was again debated. Mr. Grattan declared that there was one paper which daily teemed with exhortations and incitement to assassination; Parliament was called upon to interfere, not by imposing any new penalty, nor by compelling printers to have their public actions licensed, but merely to oblige them to put their names to their newspapers. The Attorney-General observed that these violent publications had great effect on the popular mind. A conspiracy had recently been discovered for murdering no less than seven members of that House. "The conditions were that the assassins should, upon performance of the business, receive £100; and, in the mean time, they were actually furnished with money, pistols, ammunition, and bayonets. They were urged to use the latter weapon, because it would neither miss fire nor make a noise." The Bill, in an amended form, passed both Houses, and received the Royal assent on May 14th following.

We must now go back a little. While engaged in Mr. Burne's office as an attorney's clerk in 1766, Higgins had contrived to acquire no inconsiderable knowledge of law, and as his ambition now pointed to the profession of solicitor, very little legal reading seemed necessary to qualify him for that dignity. Until the year 1793 Roman Catholics were inadmissible as attorneys, and the then ranks of the profession were, therefore, apparently more select, but decidedly much thinner than at present. Higgins made several attempts to grasp the privileges and gown of an attorney; but the antecedents of his life were so damnatory that much opposition was offered by high legal authorities to his efforts. But Higgins was not a man on whom rebuffs made any impression, and we learn that so indomitable was his perseverance in endeavoring to obtain admittance as an attorney of the Court of Exchequer, that Chief Baron Foster\* pronounced it "impudence," and threatened a committal to Newgate if again repeated.†

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\* Anthony Foster, Chief Baron of the Exchequer, was called to the Bar in 1732. He died in 1778. The Chief was father of the Right Hon. John Foster, last Speaker of the Irish House of Commons, and first Lord Oriel.

† *Dublin Evening Post*, no. 1828.

The importance of having a friend in court was, however, agreeably exemplified before long. John Scott, afterwards Earl of Clonmel, had, in the days of his obscurity, known Higgins. Mr. Scott, as Sir Jonah Barrington and Charles Phillips remind us, was a person of very humble origin, but of great natural talent. In 1765 he became a member of the Irish Bar.\* In 1769 we find Lord Chancellor Lifford recommending him to the patronage of Lord Townshend, then Viceroy of Ireland. "The Marquis," observes one who knew Scott well, "had expressed his wishes for the assistance of some young gentleman of the Bar, on whose talents and fidelity he might rely in the severe parliamentary campaigns." Scott was accordingly returned for Mullingar. "The opposition," adds Hardy, "was formidable, being composed of the most leading families in the county, joined to great talents, and led on by Flood, whose oratorical powers were then at their height. Against this lofty combination did Mr. Scott oppose himself with a promptitude and resolution almost unexampled. No menace from without, no invective within, no question however popular, no retort however applauded, no weight or vehemence of eloquence, no delicate satire, for a moment deterred this young, vigorous, and ardent assailant. On he moved, without much incumbrance of argument certainly, but all the light artillery, and total war of jests were peculiarly his own."†

The eager manner in which the government adopted and patronised Mr. Scott shewed the straits to which they had been reduced for some parliamentary fugleman, whose business it would be to support them "through thick and thin." Mr. Scott's antecedents had been most antagonistic to his new duties. Originally in the ranks of the people, a zealous disciple of Lucas, the companion of patriots, and even while in college a staunch opponent of the government, Mr. Scott was, in principle and practice, more than democratic. When introduced to Lord Townshend, by Lord Chancellor Lifford, he observed with some humour, not unmixed with regret, "My lord, you have spoiled a good

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\* Wilson's Dublin Directories.

† Hardy's Life of Charlemont, v. i., p. 269.

patriot!"\* A few months subsequent to his return for Mullingar, we find Mr. Scott created a King's Counsel; in 1772, Counsel to the Revenue Board; in 1774, Solicitor General; in 1774, Privy Counsellor and Attorney General. The latter office he ceased to hold on the recall of Lord Carlisle in 1782; but in the following year he received the appointment, for life, of Clerk of the Pleas in the Exchequer. During the administration of Lord Northington, he became Prime Sergeant, and in that of the Duke of Rutland, Chief Justice of the King's Bench, with a peerage.†

Politically speaking, Lord Clonmel was a bad Irishman, and a worse logician. "When he failed to convince," writes Mr. Phillips, "he generally succeeded in diverting; and if he did not, by the gravity of his reasoning, dignify the majority to which, when in parliament, he sedulously attached himself, he, at all events, covered their retreat with an exhaustless quiver of alternate sarcasm and ridicule. Added to this, he had a perseverance not to be fatigued, and a personal intrepidity altogether invincible. When he could not overcome, he swaggered; and when he could not bully, he fought." On the Bench, too, he was often very overbearing, and for having subjected a Barrister, named Hackett, to some discourtesy, which, at a meeting of the Bar, was reprobated and resented as a personal offence, Lord Clonmel was obliged to apologise in the public papers. He had many social virtues, however, and Mr. Hardy informs us that in convivial hours his *bonhomie* and pleasantry were remarkable. "To his great honor be it recorded," adds the biographer of Charlemont, "he never forgot an obligation; and as his sagacity and knowledge of mankind must have been pre-eminent, so his gratitude to persons who had assisted him in the mediocrity of his fortune was unquestionable, and marked by real generosity and munificence."

With Francis Higgins, whom he had known in that darkly clouded period which preceded the dawn of his good fortune, Lord Clonmel ever afterwards kept up a friendly acquaintance and intercourse.‡ It is traditionally asserted that Higgins had been of some use to Mr. Scott, not only

\* Grattan's Memoirs, v. ii., p. 141.

† Archdall's Lodge's Irish Peerage, v. vii., pp. 242-3.

‡ *Dublin Evening Post* File for 1789, *passim*.

in early life, but during his subsequent connection with the Irish government. Higgins having been peremptorily refused admission to the craft of Solicitor, by Chief Baron Foster, Mr. Scott, when Attorney-General, kindly undertook to introduce the Sham Squire to Lord Annaly,\* Chief Justice of the King's Bench; and the request, so influentially urged, was accordingly granted on the spot.†

The name of Francis Higgins, as an Attorney at Law, appears for the first time in the Dublin Directory for 1781. His then residence is given as Ross Lane. From 1784 to 1787 he is styled Deputy Coroner of Dublin. We further learn that his practice as a Solicitor throughout those years was exclusively confined to the court in which Lord Clonmel presided as Chief Justice.‡

Notwithstanding our adventurer's legal avocations and professional business, which, owing to his admitted natural aptitude, and pleasant cordiality of manner, were daily increasing, he contrived, nevertheless, to contribute, regularly, political squibs to the *Freeman's Journal*. His pecuniary means became independent ere long, and he not unfrequently lent money on good security. The proprietor of the *Freeman's Journal*, then somewhat embarrassed, requested an accommodation. With some apparent good nature, Higgins at once granted the request; but after a little time he asked his employer to give the money back; the proprietor seemed surprised that Higgins should not have proved more obliging, and begged that a longer period of accommodation might be extended. The Sham Squire declined; the journalist expostulated; but Mr. Higgins was inexorable, and without more ado levied an execution on the *Freeman's Journal*.§ To this *distringas ad deliberandum*, as our Attorney at Law, with unctuous technicality, would style it, Lord Clonmel, in memory of "Auld Lang Syne," probably gave some aid by a writ of *Capias, or Extendi Facias*.

Mr. Higgins, having now acquired the sole control, liter-

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\* Letter of "An Old Grey-headed Attorney," *D. E. Post*, No. 1791. See also No. 1786.

† John Gore having served the government with fidelity, as member for Jamestown, was appointed, in 1764, Chief Justice of the King's Bench. Gore was created Baron Annaly in 1766, but dying without issue, in 1783, the title became extinct.

‡ Wilson's Dublin Directories.

§ Tradition preserved in the office of the *Freeman's Journal*.



ary and pecuniary, of the *Freeman's Journal*, became a person of some importance in the public eye, and of boundless consequence in his own. His wealth and influence, *aplomb* and effrontery, increased unmistakably; but it keenly chagrined him to find that the more important he became, the more inveterately he was pursued by the nickname of the Sham Squire.

He at once prostituted the *Freeman's Journal* to the purposes of the Irish Government, and infused into its columns a tone of abject subserviency, which seemed almost inconsistent with his own arrogant strut and inflated bearing. Mr. Higgins's services did not pass unrewarded. In the Directory for 1787, we find him styled Under Sheriff for the County of Dublin—an office in those days of considerable emolument. Mr. Higgins had a busy time of it. Presiding in Court with all the assumption of a judge he not only tried all forty-shilling causes, but much larger questions, under the writ of Scire Facias. He executed the writs which had been issued by the superior courts, superintended the gibbeting of criminals, and throughout the popular tumults, which locally raged at this time, he no doubt frequently figured, at the head of his *posse comitatus*, or sheriff's guard.

Mr. Conolly, and other men of great landed property, who had formerly supported government, took, in 1786, and following years, a decided part against the Duke of Rutland's administration. They denounced various Bills as unconstitutional jobs, and introduced solely for ministerial purposes of patronage. But the grand attack of the opposition was on the Pension List. Mr. Grattan gave great offence to the Treasury Bench, by causing the whole list to be read aloud by the clerk, and exclaiming at the close of the debate, "If I should vote that pensions are not a grievance, I should vote an impudent, an insolent, and a public lie." The Duke of Rutland fell into great unpopularity, narrowly escaped personal outrage from the populace at the theatre, and died in the government of Ireland a few months after.\* Meanwhile the discontent which prevailed in the city, extended to the country parts, and found a noisy exponent in the "Right Boys," and the "Defenders."

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\* Plowden's History of Ireland, v. ii. pp. 266-7.

Nefarious practices had long degraded the office of Sheriff, in Dublin ; but in 1823 they received a decisive check, by the parliamentary inquiry into the conduct of Mr. Sheriff Thorpe. The scandalous partiality with which the Sheriffs habitually packed juries for particular cases, was then completely unveiled ; and it transpired that the Sheriffs pledged themselves, before their election, to take a decided part in politics against every Catholic. " Catholics," observed Mr. O'Connell, " would rather submit to great wrongs than attempt a trial in Dublin." A number of highly competent witnesses were examined at the same time ; and the *Edinburgh Review*, in noticing their evidence, said that, " No one could fail to be equally surprised and disgusted with the abominable course of profligacy and corruption which is there exhibited." That the Sham Squire was no better than his predecessors and successors we have good reason to believe.

Mr. Higgins became every day a richer man. If in office during the general election of 1790, his fees must have largely increased. But from the publication of the Government proclamations alone he derived a very considerable income. When we know that the sum paid in 1788, to Mr. Higgins, for proclamations, as registered proprietor of the *Freeman's Journal*, was £1600, according to the parliamentary return, it is not surprising that the popular organs of the day should have complained that Mr. Higgins received from the Government annually, more than a Commissioner of his majesty's revenue.\*

The Viceregal leisure, in the last century, was mercilessly wearied by the unceasing applications to his Excellency, on the part of Lord Clonmel and his unpopular colleagues, to authorise and sign proclamations on every imaginable infraction of the law. Mr. Griffith, on January 23, 1787, complained in his place in parliament that the " newspapers seemed under some very improper influence. In one paper the country was described as one scene of riot and confusion, in another all is peace. By the proclamations that are published in them, and which are kept in for years, in order to make the fortunes of some individuals, the kingdom is scandalised and disgraced through all the nations of

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\* *Dublin Evening Post*, No. 1765.

the world where our newspapers are read. The proclamations are a libel on the country. Was any offender ever taken up in consequence of such publications? And are they not rather a hint to offenders to change their situation and appearance? He did hope, from what a Right Hon. gentleman had said last year, that this abuse would have been redressed, but ministers have not deigned to give any answer on the subject."\* On February 2nd, following, Mr. Corry animadverted to the same effect. Foreigners would mistake the character of our people, and look upon us as a savage nation; hence the low price of land in Ireland and the difficulty of raising money. He denounced the bills furnished by newspapers as a gross attempt to waste the public money. Hussey Burgh declared that more proclamations were to be found in the *Dublin Gazette*, in the time of profound peace—long before the Right Boys created a disturbance—than in the *London Gazette* during the Rebellion! Mr. Wolfe observed that short extracts from the proclamations might produce full as good an effect as the proclamations themselves, which, from their great prolixity, were seldom read. But Government absolutely abetted the Right Boys; they had inserted Captain Right's manifesto in the middle of a Government proclamation, and so sent it round the kingdom, much more effectually than Captain Right ever could have done, and that without any expense to the Captain. Mr. Forbes "thought it rather hard that the payment of the *Freeman's Journal* should be disputed; for he was sure that the proprietor was a very liberal and generous man. An inn-keeper in the town he represented, regularly received that paper. On his inquiring what he paid for it, and who sent it, the inn-keeper replied he did not know. A Mr. F. H., some worthy gentlemen, God bless him, had sent it to him, and never troubled him for payment or anything else!"†

Thus it would appear that that very goodnatured individual, F. H., considered himself so vastly overpaid by the peculating Government of that day, that he might well afford to push the *Freeman's Journal* into an enormous circulation, by distributing it gratuitously through the country.

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\* Irish Parl. Register, vol. vii. p. 37-8.

† Irish Parl. Register, vol. vii. p.p. 83-88-89.

Although the *Freeman's Journal*, and other papers, zealously supported Government by verbose paragraphs, it was indignantly denied that the accounts furnished to parliament made any pecuniary claim on the score of that support. "If he thinks these charges are for essays," observed the subsequent Lord Clare, "he may be convinced of the contrary by looking at the Bills. I am not much in the secret of essay printers, but I suppose when they publish essays, filled with eulogium and panegyric on gentlemen, they are paid for it. I suppose no one would print such nonsense without being paid, as I believe scarcely anybody reads it."\*

The Duke of Rutland was succeeded as Viceroy by the Marquis of Buckingham. Of this chief governor, Mr. Grattan observes: "he opposed many good measures, promoted many bad men, increased the expenses of Ireland in a manner, wanton and profligate, and vented his wrath upon the country."† Such being the case, it is not surprising that Lord Buckley in a letter to his Excellency, dated June 14, 1788, should remark:—"I saw your brother, Marquis, who told me that he heard with the greatest concern that your popularity in Ireland was falling apace, and that the candles were out."‡ By way of counterbalance to this feeling of unpopularity, Higgins was requested to swing the censer with more than ordinary energy in the Viceregal nostrils. According to the *Post*, a cheque from the Treasurers for £1030 was graciously presented to the Sham Squire at this period, "for puffing the character and politics of Lord Buckingham."§

But Higgins had too much natural taste for the "art and mystery" of legal lore, as well as for Bills of Costs, to neglect the emoluments of an attorney at law for the editorial desk, however lucratively productive. We find him figuring as solicitor for prisoners in several cases, which excited much noise at this time—instance the "Trial of Robert Keon, gentleman, for the murder of George Nugent Reynolds, Esq."|| Retaining the absolute control of the

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\* Parl. Reg. v. vii. p. 87. † Memoirs of Henry Grattan, v. iii. p. 416.

‡ Court and Cabinets of Geo. III. vol. i. p. 396, London, 1853.

§ *Dublin Evening Post*, Nos. 1806—1808.

|| Dublin, 1788. 163 pages. Reported by George J. Browne.

*Freeman's Journal*, Higgins, in order that he might be able to devote more time to his profession, engaged one Doctor Houlton as his sub-editor, and George Joseph Browne, Barrister, but originally a Player,\* and C. Brennan, formerly a fierce democratic writer in the *Dublin Evening Post*,† as contributors. In a short time the *Freeman's Journal* became an important and highly influential organ of the Irish Government. The Sham Squire's society was courted by high authorities in the Law and the State. In the great liberal organ of the day it is insinuated, that "Judges are the companions of his festive hours"—that "Judges revel at his Board, and are his associates."‡ But the most startling feature in this epoch of the Sham Squire's life, is the allegation repeatedly made by the *Dublin Evening Post*, that Higgins at the very period of which we write, was the proprietor of, or secret partner in a gambling house of the worst possible description in Crane lane. In prose and verse, this public nuisance received energetic denunciation.

"Where is the muse that lashed the Roman crimes  
Where now is Pope with all his poignant rhymes ;  
Where's Churchill now, to aim the bitter dart,  
Or shew the foulness of a villain's heart,  
Where is the muse to tune the piercing lay  
And paint the hideous monster to the day ?  
Alas all gone ! let every virtue weep  
Shamado lives, and Justice lies asleep.  
How shall I wake her—will not all the cries  
Of midnight revels, that ascend the skies,  
The sounding dice box, and the shrieking [—————]  
The groans of all the miserable poor :  
Undone and plunder'd by this outcast man,  
Will not these wake her ————— &c., &c."

The satiric Bard proceeds to describe Shamado raising the unhallowed fabric in Crane lane :—

"Henceforth, he cried, no watchman shall presume  
To check the pleasures of each festive room ;  
Henceforth, I say, let no Policeman dare,  
No Sheriff, Alderman, or e'en Lord Mayor,  
No Constable, or untaught Bailiff rude,  
With hideous visage on these realms intrude.  
He said, and striking with a golden wand,

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\* *Dublin Evening Post*, No. 1793.

† *Ibid.* No. 1794.

‡ *Ibid.* No. 1756.

The doors obey the impulse of his hand ;  
 The portals back upon their hinges flew,  
 And many a Hazard-table rose to view.  
 On every table did a dice-box stand,  
 Waiting impatient for the gamester's hand,  
 Full many a couch prepar'd for soft delight,  
 And a few lamps gleam'd out a glimmering light."\*

But we have quoted sufficient as a specimen. In a subsequent number of the *Dublin Evening Post*, the Editor asks:—

“ Will not a day of retribution come for all this accumulation of villany and enormity at which the blood runs cold? Oh! that we had a Fitzgibbon Judge. Then would not longer the Newgate felon, the murderer of wretched parents, the betrayer of Virgin innocence, the pestiferous defiler of the marriage couch, *Sham* his fate, and defy the laws of God and man.”†

In the Directory for 1788, Mr. Higgins's advantageous removal from the obscurity of Ross lane, to No. 72, Stephen's green, South, is announced. From the above date, we find his professional practice extended from the King's Bench, to the Common Pleas, as well as to the Tholsel or Sessions' Court—the very edifice in whose dock he stood a fettered malefactor a few years before. Chief Baron Yelverton, afterwards Lord Avonmore, presided in the Exchequer, and discountenanced the impudent pretensions of the Sham Squire to practise in that Court. Yelverton as one of the illustrious patriots of 1782, had not much claims to the favourable consideration of the Sham Squire. He was accordingly lampooned in the *Freeman's Journal*. On May 3rd, 1789, we read:—

“ Counsel rose on behalf of Mr. Higgins, who had been ordered to attend, to answer for certain scandalous paragraphs reflecting on that Court.

Chief Baron Yelverton said, ‘ If you had not mentioned that affair, the Court would not have condescended to recollect its insignificance, but would have passed it by, as it has done every other paragraph, whether of praise or censure, which has appeared in that paper, with the most supreme contempt. Let the fellow return to his master's employment. Let him exalt favorite characters, if there be any mean enough to take pleasure in his adulation: let him continue to spit his venom against everything that is praiseworthy, honorable, or dignified in human nature: but let him not presume to meddle with the Courts of Justice lest, forgetting his baseness and insignificance, they should at some time deign to inflict a merited punishment.’ ”‡

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\* *Dublin Evening Post*, No. 1743.

† *Ibid.* No. 1767.

‡ *Ibid.* No. 1757.

To render the career of Francis Higgins more distinct we may here, perhaps, be permitted to make a slight historical digression.

“Little was it supposed,” observes Sir Jonah Barrington,\* “that the most important and embarrassing of all constitutional questions between the two countries was to take place during the administration of the Marquis of Buckingham.” Sir Jonah alludes to the warm debates and proceedings on the subject of the proposed Regency during George the Third’s aberration of intellect in 1789. The Prince of Wales at this period professed not unpopular politics, and avowed himself friendly to the Catholic claims. Mr. Pitt, apprehensive that the Regency might prove fatal to his ambition and to his Cabinet, resisted with all his strength the heir-apparent’s right to the prerogative of his father, and absolutely declared, on 11th Dec., 1788, that “the Prince of Wales had no better right to administer the Government during his father’s incapacity than any other subject of the realm.”† An address to his Royal Highness from the Irish Parliament respectfully requested that he would “be pleased to take upon himself the Government of Ireland during the continuation of the King’s indisposition, and no longer; and under the title of Prince Regent of Ireland, in the name, and on behalf of his Majesty, to exercise, according to the laws and constitution of that kingdom, all regal powers, jurisdiction, and prerogatives to the Crown and Government thereof belonging.” Ireland, with one voice, called upon the Prince, in virtue of the federative compact, to assume at once the sceptre of authority; but Mr Pitt’s party furiously struggled against it. Grattan headed the independent party in the Commons with great intrepidity. Mr. Pelham, afterwards Lord Chichester, in a private letter to him, after speaking of what he styles “the tricks and intrigues of Mr. Pitt’s faction,” says, “I have not time to express how strongly the Prince is affected by the confidence and attachment of the Irish Parliament. I saw him for an instant at Carlton House, and he ordered me to write to you; but I have only time to say in his own words, ‘Tell Grattan that I am a most determined Irish-

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\* Rise and Fall of the Irish Nation. Paris edition, p. 324.

† The Prospect Before Us, 1788, p. 4.

man.’” The Duke of Portland, writing to Henry Grattan on the 21st February, 1789, says: “I beg most sincerely to congratulate you on the decisive effect of your distinguished exertions. Your own country is sensible and worthy of the part you have taken in defence and protection of her constitution. The Prince thinks himself no less obliged to you; and whenever this deluded country becomes capable of distinguishing her true friends, she will contribute her quota of applause and gratitude.”\*

“The probability of his Majesty’s recovery,” writes Sir Jonah Barrington, “had a powerful influence on placemen and official connexions. The Viceroy took a decisive part against the Prince, and made bold and hazardous attempts upon the rights of the Irish Parliament.” The recently published Buckingham correspondence† confirms Sir Jonah’s statement. Every day a bulletin announcing the monarch’s convalescence reached the Viceroy. The good news was orally circulated among his supporters. Mr. Fitzgibbon was promised the Seals and a Peerage if he succeeded for Mr. Pitt. Each member of the Opposition was menaced, that he should be made the “*victim of his vote.*” Lures were held out to the wavering—threats hurled at the independent.

This extraordinary threat elicited that spirited protest familiarly known as “the Round Robin,” to which the Duke of Leinster, Lords Charlemont, Shannon, Granard, Ross, Moira, and a host of other influential personages, affixed their signatures. The document dwelt on the recent threat of making individuals “the victim of their vote,” and stigmatised it “as a reprobation of their constitutional conduct, and an attack upon public principle and the independence of Parliament; that any Administration taking,

\* Life and Times of Henry Grattan, by his Son, vol. iii., pp. 373-4.

† Memoirs of the Court and Cabinets of George III., from Original Family Documents, by the Duke of Buckingham and Chandos, 1853. The noble editor of these valuable state papers admits that “the Parliament of Ireland preserved the unquestionable right of deciding the Regency in their own way. The position of Lord Buckingham,” he adds, “had become peculiarly embarrassing. What course should be taken in the event of such an address being carried? The predicament was so strange, and involved constitutional considerations of such importance, as to give the most serious disquietude to the Administration.”—Vol. ii., p. 101.



or persevering in such steps was not entitled to their confidence, and should not receive their support."

The address to the Regent having passed both the Lords and Commons, it was presented to Lord Buckingham for transmission; but the Viceroy peremptorily declined to have anything to say to it, and thus Parliament was reduced to the necessity of forwarding the address by the hands of delegates. Previous to their departure the following resolution was carried by 115 to 83:—"That his Excellency's answer to both Houses of Parliament, requesting him to transmit their address to his Royal Highness, is ill advised, contains an unwarrantable and unconstitutional censure on the proceedings of both Houses, and attempts to question the undoubted rights and privileges of the Lords spiritual and temporal, and of the Commons of Ireland." The Viceroy, as a last resource, endeavoured to multiply his partisans by the most venal means. Mr. Fitzgibbon gave it to be understood that half a million of money had been placed in his hands for corrupt purposes; and as the first law officer of the Crown made this disgusting avowal, he casually confessed that one address of thanks to Lord Townshend, a few years before, had cost the nation five hundred thousand pounds!

Grattan, who was an eye-witness of the disreputable proceedings which took place at this period in Ireland, observed at a later period: "the threat was put into its fullest execution; the canvass of the minister was everywhere—in the House of Commons, in the lobby, in the street, at the door of the parliamentary undertakers, rapped at and worn by the little caitiffs of Government, who offered amnesty to some, honours to others, and corruption to all; and where the word of the Viceroy was doubted they offered their own. Accordingly, we find a number of parliamentary provisions were created, and divers peerages sold with such effect, that the same Parliament who had voted the chief governor a criminal, did immediately after give that very governor implicit support."\* "They began," said Curran, "with the sale of the honor of the Peerage—the open and avowed sale for money of the Peerage to any man who was rich and shameless enough to be the purchaser. It depraved

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\* Life and Times of Henry Grattan, v. iii., p. 338.

the Commons, it profaned the sanctity of the Lords, it poisoned the sources of legislature and the fountains of justice, it annihilated the very idea of public honor, or public integrity!" Curran did not speak thus strongly from any cankering feeling of wounded pride at slights received from the Government. Describing the events of 1789, his biographer tells us: "To Mr. Curran it was communicated that his support of the Government would be rewarded with a judge's place, and with the eventual prospect of a Peerage; but, fortunately for his fame, he had too much respect for his duties and his character to sacrifice them to any considerations of personal advancement."\*

Messrs. Grattan, Curran, and Ponsonby offered to prove, on evidence, the startling charges to which we have referred; but the Government, knowing that it had been guilty of an impeachable offence, shrunk from the inquiry. The Peerages of Kilmaine, Cloncurry, and Glentworth were, beyond all doubt, sold for hard cash in 1789, and the proceeds laid out for the purchase of members in the House of Commons.

Mr. Wright, in his rather partial History of Ireland, pronounces Mr. Johnson's to be the ablest speech on the government side during the Regency struggle. He quotes it in full; but the effect is spoiled by Mr. Johnson's confession to Thomas Moore in 1831, (*vide* Diary) that he had always supported Grattan's policy until the Regency question when he suddenly ratted, and at once became the recipient of state favours. "In fact, Mr. Moore," added the ex-judge Johnson, "we were all jobbers in those days."

The struggle between the Viceroy and the Parliament was an exciting but a melancholy one. Political profligacy stalked, naked and unblushing, through the senate and the castle. Vows, resolutions, rules—even reputations were daily broken. Meanwhile, the royal physicians gave it as their opinion that the king would soon be restored to health. "Your object," says the Secretary of State, in a letter to the Viceroy on Feb. 19th, 1789, "your object will be to use every possible endeavour, by all means in your power, debating every question, dividing upon every question, moving adjournment upon adjournment, and every other

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\* Life of Curran, by his Son, v. i., p. 240.

mode that can be suggested, to gain time!"\* Sheridan's politically penetrating eye saw through the ruse. "I am perfectly aware," he writes in a private letter to the Prince, "of the arts that will be practised, and the advantages which some people will attempt to gain by time."† These expedients, coupled with the energetic efforts daily made by a venal press, and a debauching minister, at last triumphed; and the King was now, to quote the words of Lord Grenville in writing to the Viceroy, "actually well!" The struggle was therefore at an end, but not the consequences of that struggle. The Master of the Rolls, the Treasurer, the Clerk of Permits, the Postmaster-General, the Secretary at War, the Comptroller of Stamps, and many other public servants of importance, were summarily expelled from office. The Duke of Leinster, one of the most respected officers of the Crown, received a supersedeas, also Lord Shannon. The influential family of Ponsonby, long the unwavering supporters of Government, but who on this occasion joined the Legislature in asserting its constitutional independence, were also cashiered. But the promotions and appointments vastly exceeded the dismissals. Of the former, which included a long string of creations in the peerage, there were forty—of the latter fifteen only. Employments that had long remained dormant were revived, useless places invented, sinecures created, salaries increased; while such offices as the Board of Stamps and Accounts, hitherto filled by one, became a joint concern. The Weighmastership of Cork was divided into three parts, the duties of which were discharged by deputies, while the principals, who pocketed the gross amount, held seats in Parliament. In 1790 one hundred and ten placemen sat in the House of Commons! On February 11th in that year, Mr. Forbes declared that the pensions had been recently increased upwards of £100,000. In 1789 an additional perpetuity of £2800 was saddled on the country. The Viceroy, however glad of his victory, had not much reason, one would think, to be proud of the means whereby that victory was attained. But an examination of his correspondence shows the utter unscrupulousness of his heart. Writing to Lord Buckley, his Excellency observes:—"In the space of six weeks, I have secured to

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\* Buckingham Correspondence, v. ii., p. 117.

† Life of Sheridan by Thomas Moore, chap. xiii—Regency.

the Crown a decided and steady majority, created in the teeth of the Duke of Leinster, Lord Shannon, Lord Granard, Ponsonby, Conolly, O'Neill, united to all the republicanism, the faction, and the discontents of the House of Commons; and having thrown this aristocracy at the feet of the King, I have taught to the British and Irish Government a lesson which ought never to be forgotten; and I have the pride to recollect, that the whole of it is fairly to be ascribed to the steady decision with which the storm was met, and to the zeal, vigour, and industry of some of the steadiest friends that ever man was blessed with."

Amongst "the steadiest friends" by whom the Viceroy was "blessed," the Sham Squire deserves mention. He worked the engine of the press with unflagging vigour, and by means of a forced circulation he succeeded to some extent in inoculating the public mind, with the corrupt virus of his politics. It was Lord Buckingham's policy to keep up the unwholesome steam of the *Freeman's Journal* by feeding the flame of Mr. Higgin's pride, and ambition; and we absolutely learn that so essential to the stability of the Irish Government were the services of this once fettered malefactor, that on frequent occasions he was admitted to share the hospitalities and confidence of the Viceroy's closet.

The first allusion to Francis Higgins, which the leading organ of the popular party in the last century contains, is an article on March 8th, 1789, wherein the sham Squire is spoken of as "Frank Paragraph, the Stephen's Green Attorney," who on the previous night, having being escorted up the backstairs of the castle by Major Hobart,\* received the Marquis of Buckingham's hospitality and confidence. The article concluded by expressing a hope that Frank, whether as an attorney, as proprietor of a prostitute print, or as the companion of a viceroy, should not in the day of his happy exultation forget his original insignificance. As the Sham Squire's dignity was grievously hurt by these wholesome truths, the *Freeman's Journal* of the day was prompt in retorting upon the *Evening Post*, in a style of truculent invective, and insult. That Mr. Higgins's scurrility did not cost the *Post* much uneasiness, however, is evidenced by the fact of that journal copying into its own columns the *Freeman's* attack in extenso.

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\* Major Hobart, afterwards Lord Buckinghamshire, was the diplomatic Chief Secretary for Ireland at this period.

Mr. John Magee was the then proprietor of the *Dublin Evening Post*. Sir Jonah Barrington tells us that although a little eccentric he was a most acute observer, a smart writer, and a ready wit. Politically honest and out spoken, often to indiscretion, he enjoyed the most unlimited confidence and affection of the popular party in Ireland. By the Government he was both feared and hated; and he was not only repeatedly threatened with a dungeon; but on two or three occasions roughly consigned to one. Magee exercised considerable influence on the public events of his time, and he may not inapplicably be styled the Irish Cobbett of the eighteenth century.

Against the Sham Squire, Magee had no personal enmity; and previous to 1789 there is no allusion to him direct or indirect, in the *Post*; but Mr. Higgins's importance having, in that year, swelled to a very unprecedented extent as a recognised Castle journalist, and employè of the Government, Magee felt urged by a sense of public duty to declare war inextinguishable and uncompromising against the fortunate adventurer. Magee's labors checked the further promotion of Higgins, and at last made the Government ashamed of their tool.

Magee first wielded the lash of satire; but finding that this failed to tell with sufficient effect, he soon felt constrained to resort to the loaded bludgeon of denunciation. Several poetic squibs appeared in the *Post* at this period; but they are too voluminous to quote in full. One in which the Sham Squire is found soliloquising, goes on to say:—

You know my power; at my dread command  
B—wds, Pimps and Bullies, all obedient stand,  
Nay well you know, at my terrific nod  
The Freeman lifts aloft the venal rod,  
Or if you still deny my Sovereign awe  
I'll spread the petty fagging nets of law.

Higgins's antecedents are glanced at:—

You know my art can many a form assume,  
Sometimes I seem a hosier at a loom;  
Then at the changing of my magic wand  
Before your face a wealthy Squire I stand  
With a *Sham* title to seduce the fair,  
And murder wretched fathers by despair.

As soon as the struggle respecting the Regency question had ceased, the Marquis of Buckingham graciously acknow-

ledged Higgins's fidelity to his government by absolutely recommending that veteran gaol-bird to Lord Chancellor Lifford\* as a fit and proper person to grace the magisterial bench at Kilmainham. In those days Justices of the Peace wore a massive gold chain, which in the vulgar eye at least, added much to their imposing aspect and prestige. We resume the Sham Squire's soliloquy:—

And if Old Nick continue true, no bar shall  
 Prevent me from becoming Four-Courts' marshal.  
 Behold me still in the pursuit of gain,  
 My golden wand becomes a golden chain.  
 See how I loll in my judicial chair,  
 The fees of office piled up at my rear ;  
 A smuggl'd turkey, or illegal hare. }  
 Those I commit, who have no bribe to give,  
 Rogues that have nothing don't deserve to live.  
 Then nimble on the turning of a straw,  
 I seem to be a pillar of the law ;  
 See even nobles at my table wait.

But think not that (like idiots in your plays)  
 My friendship any saves but he who pays ;  
 Or that the foolish thought of gratitude  
 Upon my callous conscience can intrude ;  
 And yet I say, not Buckingham himself  
 Could pardon one, unless I touch the pelf ;  
 There's not a robber hanged, or pilferer whipt  
 Till at my word he's halter'd or he's stript.†

By the 5 George II., (c. 18, s. 2.) no attorney can become a Justice of the Peace while in practice as an attorney ; but in the case of the Sham Squire all difficulties

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\* If Lord Chancellor Lifford, usually spoke in the prosy and platitudinal style in which his letters exhibit him, he must have intensely bored the Bar of Ireland. A long letter from him to Lord Buckingham in the *Court and Cabinets of George III.*, (vol. i., p. 420) begins:—"My very good Lord—my journey thither, which I thought would have relieved me, hath served only to confirm me in the apprehensions I had conceived that the hour of infirmity which is an enemy to all exertion, and first weakens and slackens the course of business, and soon after disables, was not far off." Before Lord Lifford accepted the seals, then estimated as worth £12,000 per annum, they had been offered to Judges Smyth, Aston, and Sewell, of the English Bench, and declined. When accepted by Mr. Hewit, afterwards Lord Lifford, he was a puisne judge of limited capacity. Ireland cannot boast the honor of Lifford's birth, his lordship being the son of William Hewit, a draper in Coventry. He began life as an attorney's clerk. See *Irish Polit. Characters*—London, 1799, p. 58—See also p. 24, *ante*.

† *Dublin Evening Post*, No. 1742.

were smoothed. Some of the most influential political personages of the time travelled out of their way in order to mark their hearty approval of Mr. Higgins's elevation to the Bench of Justice. The letter to which we have already referred, signed "an old grey-headed attorney," and published on July 23rd, 1789, records that "Francis Higgins had the honour of being first produced as a justice of His Majesty's Peace for the County of Dublin, to the bench assembled at Kilmainham, by the good, the virtuous, the humane Earl Carhampton, that peer who so truly, nobly, and gallantly added to the blushing honour of a before unsullied fame, by rescuing from a gibbet the chaste Mrs. Lewellyn; Mr. Higgins was also there, and there accompanied by that enlightened senator, independent placeman, and sound lawyer, Sir Frederick Flood, Bart."

Lord Carhampton, who regarded Mr. Higgins with such a fatherly eye of patronage and protection, has received scant courtesy from the historians of the time in which he figured, Francis Hardy alone excepted. As Colonel Luttrell he first attained notoriety at the Middlesex Election, where he acted as unconstitutional a part as he afterwards did in Ireland in his military capacity. Mr. Scott on this occasion publicly declared that Luttrell "was vile and infamous." Luttrell did not resent the insult, and his spirit was called in question. "He was a clever bravo," writes Mr. Grattan, "ready to give an insult, and perhaps capable of bearing one. That he was a mere adventurer, his attack on Mr. Flood in the English house plainly showed, and justified the remark of Grattan that he was exactly the man to pounce on you when you are down, and to pick out your eyes."\* Unpopular to loathing in England, and hooted from its shores, Colonel Luttrell came to try his fortune in Ireland, where having openly joined the Beresford clique in their calamitous principles of coercion, he daily sank lower and lower in the estimation of this country. Yet in private he was a general favorite, and Mr. Hardy tells us that "his conversation (for I had long the honor and happiness of partaking of it) was charming; full of sound sense, perfect acquaintance with the histories of the most distinguished persons; without the least garrulity pursuing various

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\* Grattan's Memoirs, v. iii., p. 167.

narratives, and enlivening all by the most graceful original humour."\* But Lord Carhampton's utter contempt of public reputation was evidenced in every act. Flippant, vehement, and offensive in his speech, arrogant, haughty, and overbearing in his manner, steadily opposing on a perverse principle, general sentiments, and public opinion, Lord Carhampton soon acquired a by no means enviable character and fame. But even had his lordship the purity and patriotism of a Grattan or a Fox, he might have vainly attempted to cast off an hereditary stigma of unpopularity which had been originally fastened on his family by Luttrell, the betrayer of King James.

The picketings, free quarters, half-hangings, floggings, and pitch-cappings, which at length fanned the flame of disaffection into open rebellion, were understood to be mainly directed by Lord Carhampton. In 1797 the Rev. Mr. Berwick, under whose windows men had been flogged, and in some instances left for dead, having humanely procured proper surgical treatment for some of the sufferers, was sent for by Lord Carhampton, who told him "that he had heard he was interfering with what was going on; that it was shameful of him! and that if he persevered he would send him in four days on board the tender!"† Thirteen hundred of the King's subjects had been already transported by Lord Carhampton without trial or sentence.‡

Under the auspices of this nobleman, who had now attained the dignity of Commander-in-Chief, the army were permitted to riot in the most demoralising license. Cottages were burnt, peasants shot, their wives and daughters brutally outraged.§ General Sir Ralph Abercrombie viewed the state of the army with disgust, and declared that they had become "formidable to all but the enemy." As a commander Lord Carhampton was not less ruthless than capricious. The Lord Lieutenant on several occasions interfered, but Lord Carhampton as often refused to obey the Viceroy.||

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\* Hardy's Memoirs of Charlemont, v. i, p. 264.

† Grattan's Memoirs, v. iv., p. 334.

‡ Plowden's Hist. of Ireland, v. ii, p. 372.

§ Speech of Lord Moira, Nov. 22, 1797. See also Speeches of Lord Dunsany, Sir L. Parsons, Dr. Brown, and Mr. Vandeleur.

|| Barrington's Rise and Fall of the Irish Nation, p. 351.



Lord Carhampton, however, with all his despotism, was capable, as Hardy assures us, of acts of good nature ; and the fact of his Lordship personally introducing Francis Higgins to the magisterial bench at Kilmainham is a proof of it.

In the letter of "a grey-headed attorney," from which we have taken an extract, Lord Carhampton's name is mentioned in conjunction with that of a woman named Lewellyn, who seventy years ago enjoyed much notoriety in Dublin. A respectable young girl named Mary Neal, having been decoyed into a house by Mrs. Lewellyn, met with some ill usage for which Lord Carhampton got the credit. Against Mrs. Lewellyn, as mistress of this house, the father of the girl lodged examinations. But in order to avert the prosecution a friend of Mrs. Lewellyn, named Edgeworth, trumped up a counter charge to the effect that Neal, his wife and daughter, had robbed a girl of the town, and thus got warrants against them. "She had interest enough with the gaoler," writes Hamilton Rowan, "to procure a constable who, in the middle of the night, took the Neals to Newgate and locked them up in separate cells. Mrs. Neal was far gone with child, and in the morning, on opening the cell, she, and an infant of whom she had been delivered, were found dead."\* Neal was tried for the alleged robbery, but the case fell to the ground. Meanwhile Mary Neal remained dangerously ill at a public hospital, where, adds Mr. Rowan, "she was protected from the examinations and interrogations of some persons of high rank, which did them no credit, in order to intimidate her, and make her acknowledge that she was one of those depraved young creatures who infest the streets, and thus to defend Lewellyn on her trial." Mrs. Lewellyn was tried for complicity in the rape, and received sentence of death. Edgeworth was convicted of subornation of perjury, and ordered to stand three times in the pillory, and to be imprisoned for one year. Both culprits were shortly after pardoned and liberated by the Viceroy ! Several pamphlets appeared on the subject. Hamilton Rowan wrote "An Investigation of the Sufferings of John, Anne, and Mary Neal" ; another writer published "The Cries of Blood and Injured Inno-

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\* Autobiography of A. Hamilton Rowan, p. 95.

cence, or the Protection of Vice and Persecution of Virtue," &c., addressed "to his Excellency the Marquis of B———." Rowan espoused the cause of Mary Neal with almost Quixotic fervour. He accompanied her to the Castle, and presented a petition to the Lord Lieutenant praying that as Lewellyn's "claim to mercy was founded on the principle of Mary Neal being soiled with guilt which her soul abhorred, such a communication of the evidence might be made as she may defend herself against." The Viceroy, however, declined to grant the prayer.

Touching these proceedings Mr. Simcocks (see p. 21, *ante*) made the statue of Justice over the Castle gate say :—

" Since Justice is now but a pageant of state,  
Remove me, I pray you, from this Castle gate.  
Since the rape of an infant, and blackest of crimes,  
Are objects of mercy in these blessed times,  
On the front of new prison, or hell let me dwell in,  
For a pardon is granted to Madame Lewellyn."

John Magee declared that the Sham Squire's influence in high quarters had been exerted to the uttermost in effecting the liberation of Mrs. Lewellyn and her obliging friend Edgeworth. The *Post* of the day, in a parody on the Rev. Dr. Burrowes' slang song, "The Night afore Larry was stretched," tells us that

" Oh! de night afore Edgwort was tried,  
De council de met in despair,  
George Jos— he was there, and beside,  
Was a doctor, a lord, and a play'r.\*  
Justice Sham den silence proclaim'd,  
De Bullies dey all of them harken'd :  
Poor Edgwort, siz he, will be framed,  
His daylight, perhaps, will be darken'd  
Unless we can lend him a hand."†

Several stanzas to the same effect are given. At length, some further squibs intervening, a valentine from Maria Lewellyn to the Sham Squire appeared.

" With gratitude to you, my friend,  
Who saved me from a shameful end,  
My heart does overflow ;

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\* Counsellor George Joseph Browne and Dr. Houlton, assistant editors of the *Freeman's Journal*; Lord Carhampton, and Richard Daly, Lessee of Crow-street theatre.

† *Dublin Evening Post*, no. 1757.

'Twas you my liberty restor'd,  
'Twas you that influenced my Lord,  
To you my life I owe\*

A facetious report received circulation that Mrs. Lewellyn was about to be allied in marriage to Mr. Higgins; whereupon Magee's poet exclaimed in pompous mock heroic:—

“Irradiate Phœbus, ruling god of light,  
Let not thy coursers chase away this night:  
Thy beams effulgent and resplendent hide,  
Nor interrupt Francisco and his bride.  
This night escap'd from gaol and gaol's alarms,  
The chaste Lewellyn fills his circling arms!”†

Mrs. Lewellyn was not the only frail member of her family. Her sister, who kept a house of infamous notoriety in Copper-alley,‡ fell from bad to worse, until at last, in 1765, it was deemed necessary to make a public example of her, and the wretched woman was absolutely burned alive in Stephen's Green!

But perhaps the wittiest poetic satire on the Sham Squire which appeared in the *Post* is an ingenious parody on a then popular slang song, and extended to no less than fourteen stanzas. Pandemonium, Belzebub, and a select circle of infernal Satellites, developing a series of diabolical plans, are described. In the ninth verse Shamado is introduced:—

From Erebus' depths rose each elf, who glow'd with  
infernal desire,  
But their prince judg'd it fit that himself should alone hold  
confab with the Squire.

The eleventh stanza is admirable:—

'Tis well, said Shamado, great Sire! your law has been  
always my pleasure;  
I conceive what your highness desires—'tis my duty to  
second the measure.  
The deeper I plunge for your sake, the higher I raise my  
condition;  
Then who would his fealty break—to a prince who thus  
feeds his ambition.

And gratifies every desire?

\* *Dublin Evening Post*, no. 1762.

† *Ibid*, no. 1768.

‡ Female immorality seems to have been regularly punished in the last century. In the *Freeman's Journal* of Dec. 6, 1766, we read:—  
“Alice Rice was pilloried at the Tholsel, pursuant to her sentence, for keeping a house of ill fame in Essex-street.”

Through life I've acknowledged thy aid, and as constantly  
 tasted thy bounty,  
 From the Newgate solicitor's trade—till a sub-sheriff plac'd  
 in the county.  
 Shall I halt in the midst of my sins, or sink fainting and  
 trembling before 'em,  
 When my honors thick-spreading begins—when, in fine—I  
 am one of the Quorum?

And may in the Senate be placed.\*

In May, 1789, Justice Higgins gave a grand entertainment to his patrons and supporters in Stephen's Green. All Dublin spoke of it; the papers of the day record it. Magee ridiculed the Sham Squire's pretensions. He called upon Fitzgibbon, the new Chancellor, to reform the Magistracy, and for a statement advanced in the following passage Magee was prosecuted by Higgins; but of this anon. "Can it be denied—nay, is it not known to every individual in this city—that the proprietor of a flagitious gambling house—the groom-porter of a table which is nightly crowded with all that is vile, base, or blasphemous, in a great capital, that the owner and protector of this house, is a Justice of Peace for the County Dublin?"†

Mr. Higgins had no longer any necessity to bribe the Judge's coachman to drive him through the streets in the judicial carriage. The Sham Squire had now a gorgeous chariot of his own. In the *Post* of June 4th, 1789, we find a description of it.—*i. e.* A dark chocolate ground, enlivened by a neat border of pale patent yellow; the arms emblazoned in a capacious mantle on each pannel. In front, behind, and under the coachman's footboard, the crest is handsomely engraved on every buckle of the silver plated harness.‡ In this shining equipage, with a demeanour as inflated as Lord Clonmel, or Sergeant Toler, Mr. Higgins constantly drove to the courts. We read, "Mr. Higgins appeared in his place yesterday at the courts. He was set down in his own carriage, immediately after that of the Attorney-General's." § And in a subsequent number, it is reproachfully remarked that Higgins sits on the same bench with Sergeant Toler, arrayed in chains of gold, and dispensing justice.|| The ostentatious manner of the Sham, and above all, his impudent swagger, excited a general

\* *Dublin Evening Post*, No. 1744.

† *Ibid*, No. 1770.

§ *Ibid*, No. 1767.

+ *Ibid*, 1759.

|| *Ibid*, No. 1779.

feeling of disgust. He openly “boasted his influence at the Seat of Power, and bragged that the Police Magistrates\* lived on terms of the closest intimacy with him.” †

On Sunday, June 16th, 1789, the celebrated pulpit orator, Walter Blake Kirwan, afterwards Dean of Killala, preached an eloquent sermon on Morality in St. Andrew’s Church, and according to the *Post* of the day, took occasion, in the course of his homily, to lash the proprietors of the flagitious gambling house in Crane-lane. ‡ Higgins denied that he was the proprietor of it; but the *Post* persisted in declaring that if not the avowed owner, he was the secret participator in its profits. This vile pandemonium was said to bring in £400 a year to Higgins.§ In vain were the authorities implored, year after year, to suppress it. At length the following curious “card,” as a last resource, was published:—

“The Freemen and Freeholders of the Parish of St. Andrew’s, take liberty to demand from Alderman Warren, their representative in Parliament, and president at the Police Board, why some measures are not taken by him, to immediately and effectually suppress the nursery of vice—that receptacle for vagrants—that hell of Dublin—the gambling house in Crane-lane. The alderman has been so repeatedly applied to on the subject, that it is high time that Freeholders who know and respect themselves, should not longer be trifled with. Reports are now current, and circulated with a confidence that render inattention somewhat more than censurable. A magistrate and a city representative ought to be above suspicion. The Freeholders are aware that infamous house is not in their district, yet they know how their representative ought to act whether as a man or a magistrate. His future conduct shall alone determine their votes and influence.”||

Weeks rolled over, and still nothing was done. At length a correspondent, signing himself “an old grey-headed attorney,” threw out the following wicked insinuation:—“Alderman Nat, and Level Low, are in gratitude bound not to disturb the gambling house in Crane-lane, as the Sham is very indulgent to them by not calling in two judgments which he has on their lands.”¶

The sumptuousness of Mr. Francis Higgins’s entertainments continued to be the town talk. Judges revelled at his board.\*\* The police magistrates basked in the sunshine of his smile; †† but it is at least gratifying to learn that

\* *Dublin Evening Post*, No. 1783. † *Ibid*, No. 1760. ‡ *Ibid*, No. 1777.  
 § *Ibid*, No. 1782. || *Ibid*, No. 1756. ¶ *Ibid*, No. 1789.  
 \*\* *Ibid*, No. 1756. †† *Ibid*, No. 1760.

there were some high legal functionaries who indignantly scouted the Sham Squire's pretensions. Magee observes, "To the honour of Lord Fitzgibbon, (Clare), be it recorded that he never dined with Higgins on his public days, or suffered his worship to appear at any table which his presence dignified." \*

Higgins, meanwhile, surrounded by a swarm of todies, and expectants for place, with a loose morning gown wrapped like a toga around him, would sometimes swagger through the hall of the old Four Courts. He is traditionally described as having been one of the ugliest men in existence, and the following contemporary portrait serves to confirm that account.

"Through the long hall an universal hum  
Proclaims, at length, the mighty man is come.  
Cloth'd in a morning gown, of many a hue,  
With one sleeve ragged, and the other new,  
While filthy eruptions daub his chin  
With the remaining dregs of last night's gin;  
With bloated cheek, and little swinish eye,  
And every feature form'd to hide a lie,  
While every nasty vice, enthroned within,  
Breaks out in blotches, o'er his freckl'd skin."

The Bard, after describing Enmity, Treachery, Duplicity, and other disreputable qualities, adds:—

"And artful, cunning, simp'ring the while,  
Conceals them all in one unmeaning smile."

\* \* \* \* \*

"He comes, and round him the admiring throng  
Catch at the honey dropping from his tongue;  
Now promises—excuses round him fly;  
Now hopes are born—and hopes as quickly die;  
Now he from b——ds his daily rent receives,  
And sells indemnity to rogues and thieves."\*

The hall of the Four Courts, through which Francis Higgins was wont to stalk, is not the stately vestibule which at present goes by that name in Dublin. The old Four Courts stood adjacent to Christ Church; its hall, crowned by an octangular cupola, was long and narrow, and entered

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\* *Dublin Evening Post*, No. 1798.

† *Ibid*, No. 1746.

by a door leading from the lane known as "Hell." The various courts, not being enclosed from the hall, the judges were all to be seen sitting. The Chancellor, on entering, was always preceded by his mace-bearer and tipstaffs, who were accustomed to call out "High Court of Chancery," upon which the judges rose, and remained standing until the Chancellor had taken his seat.\*

To reduce the overcharged importance of the Sham Squire, Magee published, in June, 1787, an outline of his escapade in the family of Mr. Archer. On June 30, a note appeared from the "Rev. gentlemen of Rosemary-lane," stating they had no official or other knowledge of an imposture alleged to have been committed twenty-three years previously, on the late Mr. Archer, by Mr. Higgins, and adding, that during Mr. Higgins' residence in Smock-alley, his conduct had been always marked with propriety and benevolence. "This sprig of Rosemary," observed the *Post*, "may serve to revive the fainting innocence of the immaculate convert of St. Francis." But in the following number a different aspect is given to the matter, thus: "We have it from authority that the advertisement from the Rev. gentlemen of Rosemary-lane chapel is *a sham*; for confirmation of which we refer the inquirer to any of the Rev. gentlemen of said chapel."† How far this may be in accordance with the truth it is not easy to determine.

Mr. Higgins was not without some redeeming qualities. He regularly attended divine worship in the Protestant church of St. Andrew, and he occasionally dispensed sums in charity. But for all this he received little thanks in his day. In a trenchant poem levelled at Higgins, numbering some fifty lines, and alleged to be from the pen of Hussey Burgh, we find:

"The cunning culprit, understands the times,  
Stakes private bounty against public crimes,  
And conscious of the means he took to rise,  
He buys a credit with the spoils of vice."‡

The following distich occurred in this piece:—

"Now with uplifted arm for prostitution,  
Stands bully bold 'gainst Law and Constitution."

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\* Gilbert's Dublin, v. i. p.p. 136-7.

† *Dublin Evening Post*, No. 1782.

‡ *Ibid.*, No. 1794.

The Sham Squire's duties were onerous and various. He not only presided with the subsequently notorious Lord Chief Justice Norbury, at Kilmainham,\* but frequently occupied the Bench of the Corporation hall, or Lord Mayor's Court, and there investigated and confirmed the claims of persons to the rights and privileges of freemen.†

Mr. Higgins had, ere long, nearly the entire of the newspaper press of Dublin in his influence;‡ to quote Magee's words, they were all "bowing down to Baal,"§ or as Magee's poet described the circumstance:—

"Now, hireling scribes, exert the venal pen,  
And in concerto shield this best of men."

And again :

"Nay, ev'n Shamado is himself on fire,  
And humdrum Houlton|| tunes his wooden lyre ;  
But Virtue their resentment cannot dread,  
And Truth, tho' trampled on, will raise her head."¶

In 1789 the bill furnished by Higgins to the Treasury amounted to £2,000 ; but the Viceroy, we are told, cut it down to £1,000.\*\*

In the year 1790 the *Freeman's Journal* received a zealous ally in its slavish but consistent advocacy of Government men and measures. The editor of the *Dublin Journal* was a person named Giffard, originally a blue-coat boy, in Dublin, then an apothecary in Wexford ; a democrat in 1780, a volunteer in '82, an apostate the year after, and a would-be assassin the next. The collegians of Trinity College, incensed at Giffard's public conduct, having threatened to bring him to the pump, he shot one of them through the arm. Immediately prior to the trial of Hamilton Rowan, he was made Sheriff, and the jury-box was straight-way packed as he alone could pack it. Rowan went to a cold dungeon, and Giffard shuffled into a luxurious government appointment. His demeanour acquired for him the sobriquet of "the Dog in office." He was a bully in the press; but a coward in the field. In 1794 Giffard became

\* *Dublin Evening Post*, No. 1779.

† *Ibid*, No. 1789.

‡ *Ibid*, No. 1796.

§ *Ibid*.

|| Dr. Houlton, the Sham Squire's sub-editor, vide *D. E. Post*, No. 1793.

¶ *Dublin Evening Post*, No. 1743.

\*\* *Ibid*, 1761.



chief proprietor of the *Dublin Journal*, and from the moment the paper passed into his hands it has been said that its violence, virulence, vulgarity, and mendacity, were of so extreme a character, that in the present day its advocacy would be held detrimental and disgraceful to any party.\* Yet this hired traducer of his country, as Grattan called him, was preferred to places of honor and emolument by the administration.

It is doubtless, to either Giffard or his ally, Higgins, that Curran's letter to Major Hobart, dated March 28, 1790, refers; "Sir," he writes, "a man of the name of——, a conductor of your press, a writer for your Government, your notorious agent in the city, your note-taker in the House of Commons, in consequence of some observation that fell from me in that House, on your prodigality in rewarding such a man with the public money for such services, had the audacity to come within a few paces of me in the most frequented part of this metropolis, and shake his stick at me."†

Higgins continued to grace, or rather to disgrace, the Bench; and Magee continued in his efforts to take down the Sham Squire's pride and swagger. Squib after squib exploded in this wise.

There lives a Squire near Stephen's-green,  
Crockledum he, crockledum ho,  
And in Newgate once was seen,  
Bolted down quite low.  
And though he now is a Just-Ass,‡  
There was a day when he heard mass,  
Being converted by a lass,  
There to *cross* and go.  
On stocking-making he can jaw,  
Clockety heel, tippety toe;  
Now an attorney is at-law  
Six and eight-pence ho!§

Mr. Higgins regarded these innocuous squibs as so many "infernal machines;" and he resolved to show his own power, and to be revenged at the same time. Lord Chief Justice

\* Madden's *United Irishman*, l. s. v. ii., p. 83.

† *Life of Curran by his Son*, v. i, p. 270, First Ed.

‡ Until 1793, even Catholic Peers were excluded from the Magisterial Bench.

§ *Dublin Evening Post*, No. 1796.

Clonmel was known to entertain a strong prejudice against the Press, generally, but especially against every newspaper which adversely criticized the administration. In the authorised report of the Parliamentary Debates on April 8, 1784, his Lordship's views on the subject are very forcibly but very curtly conveyed, viz:—“*The Prime Serjeant expressed his thorough detestation of newspapers, and public assassins of character.*”\* We have already seen that Lord Clonmel, long after his elevation to the Bench and the Peerage, maintained friendly relations with Higgins, in memory of auld lang syne. His Lordship resided in Harcourt-street in a large house, with a lawn so capacious, that it joined the garden at the rere of Francis Higgins's mansion on the south side of Stephen's-green; and there is a distinct tradition to the effect that some of the old chief's inquisitive neighbours, were known to declare that his lordship had been repeatedly seen making his way through the lawn, for the purpose of conferring, *sub rosa*, with the Sham Squire.†

Higgins is said to have directed Lord Clonmel's attention to several of Magee's squibs and lampoons, in many of which the Chief himself figured subordinately. His Lordship expressed great disgust and indignation at liberties so unwarrantable; and seems to have encouraged the Sham Squire to follow up a plan of legal retribution against Magee, which the active brain of Higgins had been for some time concocting.

In the various satiric onslaughts which Magee made upon the Sham Squire, some passing prods were dexterously bestowed on Richard Daly, the Lessee of Crow-street theatre, on Charles Brennan, a writer for the *Freeman's Journal*, as well as on a certain member of the female sex, with all of whom Higgins was believed to be on terms of close intimacy. In June, 1789, four fiats, marked with the exorbitant sum of £7,800, were issued against Magee by Lord Clonmel in the King's Bench, at the suit of Francis Higgins, and the three other persons to whom we have alluded. *The Evening Post* of June 30, 1789, announces that “Magee lies on the couch of sickness in the midst of

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\* Irish Parl., Deb. v. iii., p. 155.

† Tradition communicated by M—— S——, Esq.

a dungeon's gloom," and publishes a long appeal from Magee to Lord Clonmel, "Premier of the Judgment Bench," which closes with the following paragraph :—

"I again demand at your hands, John Scott Baron Earlsfort,\* a trial by my Peers—by my fellows, free and independent Irishmen. Thou hast dragged a citizen by thy officers, thrice through the streets of this capital as a felon. Thou hast confined before trial, and hast deprived a free subject of his franchise—that franchise for which his fathers bled on the walls of Derry, the banks of the Boyne, and the plains of Aughrim.

"John Scott Baron Earlsfort, I again demand from thee—thou delegate of my Sovereign Lord the King—a trial by Jury."

On July 3rd, 1789, the trial of John Magee, at the suit of Francis Higgins, was heard before Lord Chief Justice Clonmel. The Sham Squire, notwithstanding his great dependance on the partiality of the judge and jury, found it advisable to retain a large and most effective Bar. We find that his counsel included the Prime Sergeant, Mr. Caldbeck K. C., John Toler, afterwards Lord Norbury, "the hanging Judge,"† Sergeant Duquerry, Recorder Burston, Doctor "Paddy Duigenan,"‡ John, nicknamed "Bully Egan," § George J. Browne, (Higgins's collaborator

‡ Mr. Scott was created Baron Earlsfort in 1784, a Viscount in 1789, and Earl of Clonmel, in 1789.

† Mr. Toler's powers of invective, almost baffle description. When he uttered such language in Parliament, as may be seen by reference to the stormy debate of February, 1797, the license of his tongue elsewhere may be imagined, "Had he heard a man uttering out of those doors such language as that of the honorable gentleman, he would have seized the ruffian by the throat, and dragged him to the dust."

‡ Dr. Patrick Duigenan, originally a Catholic of low degree, having apostatized, and continued year after year to oppose the Catholic claims with a virulence and violence absolutely incredible, received a judgeship from the Government with other valuable marks of State favor. He dropped dead in 1816.

§ John Egan's proficiency in vulgar wit and rough invective, is traditionally notorious. If a somewhat unregulated indulgence in this tendency obtained for him many enemies in early life, he had the satisfaction of finally making all Ireland his friend, by his truly honest and independent conduct at the period of the Union. Trampling down the metaphorical sophistries of the Government spokesman, "he galloped," writes Sir Jonah Barrington, "like a dray-horse, over all his opponents, plunging, and kicking, and overthrowing all before him." Tempting proposals were made to him if he would support the Union. He was offered to be made Baron of the Exchequer, with £3,500 a-year; but

on the *Freeman's Journal*) with Messrs. Ponsonby, Curran, Johnston, and Hon. S. Butler. That the last three persons should have accepted briefs in the case seems singular considering their democratic bias. Curran's name is the history of his life; Mr. Johnson's is nearly forgotten, but we may remind the reader, that although a judge he libelled the Hardwicke administration, was tried for the offence, retired from the bench, and shortly before his death published a seditious, if not a downright treasonable pamphlet. The Hon. Simon Butler became in 1792, a leading member of the Society of United Irishmen, was fined £500 and condemned to a protracted imprisonment in Newgate. No good report of the trial, *Higgins v. Magee*, is accessible; we endeavoured to give the Sham Squire the benefit of his own report as it appeared in the *Freeman's Journal*, but the file for 1789 does not exist in Dublin so far as we know, not even in the office of the *Freeman*. A very impartial report may be found in the *Cork Evening Post* of the day, from which we gather that Higgins proved the infamous gambling house in Crane-lane, to belong to a Miss J. Darley. This evidence, however, did not alter Magee's opinion, and he continued to insist that the Sham Squire was a secret participator in its spoils.

Poor Magee had not much chance against a bar so powerful, and a judge so hostile. Strictly speaking, he had no counsel retained; but we find that "for the traverser there

Egan, although far from being rich, spurned the venal offer, and died soon after in comparative want.

We are tempted to append two not uncharacteristic anecdotes of John Egan, which are now published for the first time. Egan resided at Kilmacud House, and was fond of bathing at the Blackrock adjacent. One morning, having violently flung his enormous carcass into the water, he came in collision with some other person who was performing a similar lavement. "Sir," screamed a mouth out of the water, "I presume you are not aware against whom you have so rudely jostled." "I didn't care if you were Old Nick," replied Egan, floundering about like a great sea monster. "You are a bear, sir," continued the mouth, "and I am—the Archbishop of Dublin." "Well," retorted Egan, not in the least abashed, "in order to prevent the recurrence of such accidents, I would simply recommend you to get your mitre painted on your back."

Egan drank hard; and some clients, anxious to secure his professional services, made a stipulation with him, that no wine was to be drunk previous to undertaking the defence. In this particular instance, Egan at once agreed, but casuistically evaded the engagement, by eating large quantities of bread soaked in wine.

appeared as *amici curiæ*, Mr. Lysaght, and Mr. A. Browne of Trinity College." The latter gentleman, Member for the University of Dublin, and subsequently, Prime Sergeant of Ireland, made a very able statement on the Law of Fiats. As a lawyer, Browne was far and away superior to Lord Clonmel, whose indecently rapid promotion by the Government, was owing solely to his Parliamentary services, and not to his knowledge of Blackstone. In the following session of Parliament, Mr. Browne, in conjunction with George, afterwards Chancellor Ponsonby, brought forward a masterly exposure of the most unconstitutional conduct adopted by Lord Clonmel, at the instance of Francis Higgins. This exposure with its salutary results, shall be noticed at the fitting period; but in the meantime, we cannot do better than introduce here a few of the salient points in Mr. Browne's able statement on the Law of Fiats. The trial of Higgins v. Magee, was never published as a pamphlet, but Mr. Browne's arguments on the law of Fiats, and on the worthlessness of the case trumped up against Magee by Daly and Higgins, did appear in that form, but as a separate and distinct publication.

Mr. Browne on the present occasion, expressed his amazement that a nation so astute in guarding through her statute book, every avenue to oppression, should have passed unnoticed and left unguarded this broad road to tyranny and wrong. He was amazed how it could suffer a plaintiff to require bail to the amount of perhaps £20,000, where very probably, the damages afterwards found by a jury, if any, might not be 20d. Having shewn that Fiats, in Lord Clonmel's acceptation of the term, were utterly unknown to the Common Law, he added, "I am not sure whether if Francis Higgins abused his adversary's council for two years together, they would be able to swear to two-penny worth of damage; and therefore, when any man swears so positively, either he is particularly vulnerable, and more liable to damage than other men, or he is a bold swearer, and the judge ought not to listen to him." Mr. Browne cited Blackstone, Baines, Gilbert, and a vast array of high legal authorities, to shew the highly unconstitutional act of Lord Clonmel, in issuing fiats against Magee, to the amount of £7,800. It appears that even in the case of assault and battery, moderate fiats had been refused by the Bench.

Having, with great erudition, discharged an important argument to shew that special bail in this and similar actions, was not requirable, Mr. Browne proceeded to prove conclusively, that even allowing it to be requirable, the present amount could not be justified by reason or precedent. The bail could only with propriety, amount to such a sum as would be sufficient to ensure an appearance. To imagine that Mr. Magee would abscond and abandon his only means of earning a livelihood, was simply ridiculous.

Mr. Browne censured the manner in which Lord Clonmel prejudged the case—"telling the jury before the trial began what the damages were, which in the opinion of the judge they ought to give,"—and Mr. Browne adduced a host of legal authorities in proof of the error committed by Lord Clonmel.

The learned advocate then contrasted some of the few cases on record in which fiats were issued, with the cause then under discussion. Sir William Drake, a member of Parliament, was charged with being a traitor. The words against him were of the most scandalous nature. His life and property were at stake: he brought his action, and on application special bail from defendant was refused. Another case was that of Duke Schomberg, a peer high in favor of his king and country. He was accused by a miscreant named Murray of having cheated the Sovereign and the army. Can any words be conceived more shocking when applied to such a man? Chief Justice Holt, as great a friend to the Revolution and to the liberties of the country as ever sat on a judicial bench, felt the same indignation, but he could not prejudge the cause. He was ready to punish the man if convicted, but he did not consider him convicted beforehand. He ordered Murray to find bail—hear it and be astonished; two sureties in £25 each, and the man in £100. In the last generation fifty pounds for a Duke—in the present, £7,800 for an adventurer and a player.

Compare these cases with that of John Magee. Ask against whom he has offended; ask what damage they have received; enquire what positive loss they have sustained; investigate the abuse they complain of, too ludicrous to bear serious attention; compare it with the atrocious words

uttered against Drake or Schomberg ; contrast the rank of the persons sinned against ; compare the extravagant difference between the bail demanded, and look with astonishment on the disparity of the countries and ages where these things have happened.\*

At the close of the prosecution against Magee at the suit of Francis Higgins, it was made the subject of bitter complaint by the prisoner that he had been refused the privilege of challenging his Jurors, and the benefit of the Habeas Corpus act.†

The Lord Chief Justice having summed up and charged, the Jury retired, but returned in half an hour to ask the Bench whether they might not find the Traverser guilty of Printing and Publishing without holding him responsible for the libel. His Lordship replied that the Jury had nothing to do with the law in this case, and that it was only the fact of publishing they had to consider. The Jury then desired a copy of the Record, but the request was refused. Having retired a second time the Jury at length brought in their verdict, "Guilty of Printing and Publishing." Lord Earlsfort declined to accept the verdict.

One of the Jurors replied that the difficulty they found in giving a different verdict was, that they could not reconcile it to their consciences to find a man guilty under a criminal charge who had not been permitted to confront his accusers, or his Jurors, or to listen to the accusations against him, that he might be prepared for his defence. Therefore, as the Jury had only seen the accusations on one side, without the defence of the accused, they could not feel themselves warranted in pronouncing a man guilty under a charge of criminal intentions.

Lord Earlsfort replied that the very reason why they ought not to hesitate, was the one they urged in support of their scruples, namely, "the Traverser's making no defence to the charge against him." He desired that the Jury might again retire. A Juror said that they had already given the matter full consideration ; but the Chief Justice interrupted him, and the Jury were ordered to return to their room.

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\* Browne's arguments in the King's Bench on the subject of admitting John Magee to Common Bail. Dublin, Gilbert, 1790.

† *Dublin Evening Post*, No. 1784.

Counsellor Browne, M.P. for the College, addressed a few words to the Bench, but was stopped short by his Lordship, who declared that he had already given the matter full consideration, and had made up his mind. The Jury having again deliberated returned with a verdict of guilty. The Court and the Hall were densely crowded. Lord Earlsfort sat alone on the Bench.\* The *Post* complained of the conduct displayed by the Lord Chief Justice in his judicial capacity. The *Freeman's Journal*, on the other hand, proposed to lay any wager that the trial had been most legitimately conducted. "This," retorted the *Post*, "may be the custom at *the house in Crane Lane*; but to determine what is law by a wager—to stake Justice upon a die—oh! rare Crane Lane Journal!"†

This prosecution did not muzzle Magee. In the very number of his Journal which contains a report of the trial we find: "The marquis, with that condescending goodness that agitates his heart when he can be of any use to Mr. F. Higgins, his familiar friend, and he who in former days contributed not less to the festivity of his board, than generously catered for his pleasure," &c.

The trial of Daly *versus* Magee, soon followed. Dr. Pat Duigenan, "Bully Egan," with Messrs Duquerry, Smyth, Burston, Butler, Browne, (Higgins's colleague,) Fleming, Ball, Curran, and Green were retained for the prosecution.

Mr. Kennedy, Treasurer to the Theatre Royal, was examined as a witness for Mr. Daly. We extract a few passages.

"Were you ever witness to any riots in the Theatre? Very often? The people used to cry out from the gallery 'a clap for Magee, the man of Ireland—a groan for the Sham! a groan for the Dasher, [Daly] Out with the lights, Out with the lights!' I have frequently, at the risk of my life, attempted to stop those riots."

It further appeared that men used sometimes to come into the galleries with bludgeons and pistols. Mr. Dawson, a person whom Mr. Daly, was in the habit of sending to London with a view to the engagement of actors, was next examined. It transpired that Daly in consequence of his unpopularity, found a difficulty in obtaining performers.

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\* *Dublin Evening Post*, No. 1784.

† *Ibid*, No. 1784.



“ Is Mr. Higgins proprietor of any paper? A. I do not know. Q. Is he proprietor of the *Freeman's Journal*? A. I have heard so. Q. Have you read the *Freeman's Journal*? A. Sometimes. Q. Has there not been the same constant series of recriminations between Mr. Higgins, and Mr. Magee? A. I have seen dashes on each side. Q. Is there not a very particular intimacy between Mr. Daly and Mr. Higgins? A. Have I a right, my Lord, to answer that question?

Court—No, I must object to that question. I think it wrong to endeavour to involve this case in any party or prejudice, &c.

Counsel for the Defendant.—Do you believe yourself that there was any particular intimacy between Mr. Daly, and Mr. Higgins?

Sir, I know of no particular intimacy any more than between you and the many gentlemen who are round you.

Court—You have answered very properly and clearly.

Q. There is a friendship between them? A. The same sort of friendship which subsists between man and man.

Court to the Defendant's Counsel. I am willing to give you as much room as possible. Suppose the *Freeman's Journal* abused Mr. Magee, do you urge this as a mark of spleen against Mr. Daly, or in extenuation of the Defendant? Counsel—My Lord, we only wish to shew that there has been abuse on both sides.\*

There certainly was no stint of hard words between the rival editors. Magee insinuated, that Ryder the former lessee, had been tricked out of the patent, by a manœuvre of the Sham Squire's; and that Higgins and Daly conjointly held the license.† But of any deliberate act of dishonesty Daly was, we believe, incapable, although lax enough in other respects.

George Ponsonby conducted the defence. He ridiculed Daly's claims to damages; and added that for the torrent of abuse which had been thrown out against Magee in the *Freeman*, he (Magee) sought no redress. Mr. Higgins had ridiculed Astley's with impunity in the *Freeman's Journal*; and for pursuing the same course towards Daly, Eight Thousand pounds damages were claimed against Magee.

Mr. Gilbert, an influential publisher, connected with Magee, swore that no paragraphs traducing Daly ever appeared

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\* Trial of John Magee for libel on R. Daly. Dublin, 1790, p.p. 30, 31. The writer, after vainly searching for this very scarce pamphlet in Trinity College Library, the Dublin Library, the Royal Dublin Society, and other extensive repositories of Irish books, at length discovered a copy at the Queen's Inns. It belonged to Leonard M'Nally, who received an annual pension of £300 for betraying the secrets of his clients (the United Irishmen) to the government, and bears his Bookplate, on which the rather inappropriate motto.—*Pro De, ro Patria, et Lege*—is inscribed.

† *Dublin Evening Post*, No. 1794.

in the *Post*; but there can be no doubt, notwithstanding, that the high flying lessee was often soundly abused by Magee. Damages were laid at £8,000; but the Jury considered that £200, with 6d. costs, would be very ample compensation for the wounded feelings of Mr. Richard Daly.

The *Evening Post* steadily declared that the uproar in the galleries of the Theatre was much more attributable to Higgins and his colleague Daly, than to John Magee. In July, 1789, we are told that two men named Valentine and Thomas Higgins, wool-scribblers, and residing at Pimlico, were “very active in several public-houses in and about the Liberty, endeavouring to persuade working people to accept Tickets for the Theatre, with express directions to raise plaudits for Daly and Higgins, and to groan Magee.\*

A few evenings after we read† that an immense troop of fellows in the Higgins’ interest, proceeded to Crow-street Theatre, marshalled by a limb of the law, named Lindsay.

“The general order is knock down every man who groans for the Sham Squire or the Dasher; and you have the guards at your back to take every man into custody who resists you.—On Tuesday night this party, highly whiskified, forced their way to the front row of the Gallery, struck and insulted several of the audience there, and wounded the delicacy of the rest of the house by riotous vociferation and obscenity. Last night several people were knocked down by them; and some of the very persons who were seduced from the Liberty to the Theatre, on their refusal to join in the purpose, were charged to the custody of constables for disrespectful language to the said Lindsay, and others were pursued as far as Anglesea-street, for the same cau se.”‡

In the course of Magee’s trial, the prosecuting counsel produced the manuscript of an attack upon the Sham Squire all in Magee’s hand-writing. Magee was at first somewhat surprised at this unexpected apparition of his autograph; but he soon discovered by what means these papers contrived to get out of his possession. Brennan, whom it may be remembered had been a writer for the *Post*, deserted that Journal in 1788, and attached himself to Mr. Higgins’s print. Magee declared that Brennan conveyed to the Sham Squire several of his private papers, to which, when retained in the office of the *Post* at a salary of £100 a year, he had easy access§—Brennan certainly

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\* *Dublin Evening Post*, No. 1787—1788.

† *Ibid.*, No. 1785

‡ *Ibid.*, No. 1788.

§ *Ibid.*, No. 1794.

swore to Magee's hand-writing on the trial. On the evening that the *Post* advanced the above statement, "Brennan came to Magee's house concealed in a sedan chair, and armed with a large oak bludgeon, and after rapping at the door and being answered by a maid servant, he inquired for Mr. Magee 'with the design of assassinating him had he been in the way;' but being told he was not at home, Brennan rushed into the shop, and with the bludgeon, broke open and utterly demolished several locked glass cases, together with the sashwork, and glass, of these interior glazed doors, as well as the windows facing the street. Brennan in making his escape was observed by a man named M'Namara who attempted to seize him; but Brennan knocked him down by three blows of the bludgeon, and then kicked him unmercifully."\*

Brennan was committed to Newgate by Alderman Carleton; but next day was set at liberty on the bail of *two of Daly's Officials*.† This rather intemperate gentleman, however, had not been an hour at large when he proceeded to Mr. Magee's house in College-green armed with a sword, but happily did not succeed in finding the object of his search.‡

Meanwhile it became every day more apparent that the Sham Squire was a highly dangerous character to tamper with. On July 23rd we find that Mr. Wright, Engraver of Mary's Abbey, was arrested for publishing a caricature likeness of Justice Higgins.§

The National spirit of the people was soon indignantly and very effectively evoked. A manifesto of the day declares, "In consequence of several extraordinary proceedings lately adopted, and violently pursued, whereby the constitutional Rights and Privileges of the subjects of Ireland are essentially endangered, a number of independent citizens have united to preserve the same, and to hand them down pure and inviolate to prosperity, pledging themselves to use their best endeavours to oppose by every legal means, all such attempts, and proceedings." Having indicated that subscriptions for this laudable purpose would be

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\* *Dublin Evening Post*, No. 1795.

† *Ibid.*

‡ *Ibid.*, No. 1796.

§ *Ibid.*, 1792.

received by the committee, several donations, including those of Hamilton Rowan and Napper Tandy, were announced.”\*

The matter was now taken up widely and warmly. At a meeting of the Dublin Volunteers on July 10th, 1789, Major Rowan in the chair, we find it resolved, “that as citizens and men, armed in defence of our liberties and properties, we cannot remain unconcerned spectators of any breach of that constitution which is the glory of the Empire.

“That the violation of the fundamental laws of these kingdoms occasioned the melancholy catastrophe of 1648—that the violation of these laws brought on the glorious Revolution of 1688—that we look upon the trial by Jury, with all the privileges annexed to it, to be a most essential part of those laws—that we highly approve of the firm conduct of our worthy fellow citizen, on a late transaction, in support of those rights.”

But the most important public document which appeared on the subject was a letter to Magee from Archibald Hamilton Rowan, then a highly influential personage: “Sir”—he said, “it is with regret I have beheld you deprived of the inalienable rights of every British subject on your late trial. I have no doubt but that such arbitrary conduct as marked the Judge who presided on that day, will be severely punished; and that you, Sir, will not be so wanting to your fellow subjects, as not to bring it before the proper Tribunal. This being the cause of every man, it ought to be supported from the common purse, and not be an injury to your private circumstances. If any subscription for that purpose should be accepted by you, I request you will set down my name for twenty-five guineas.”

It is a notable instance of Magee’s independence of character that he resolutely declined to accept one farthing of the public subscription which had just been inaugurated, with such promise of success, in his honour. This spirited determination was the more remarkable as his pecuniary losses in consequence of the oppressive treatment to which he was subjected, proved most severe as we shall presently see.

Magee was a man of no ordinary spirit. He rose superior to the despotic arm of power, and oppression only nerved him to renewed exertion. He no longer titillated

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\* *Dublin Evening Post*, No. 1787.

the Sham Squire with the light feather of satire; the club of a Hercules was now resorted to. The most eminent masters of invective probably never surpassed the following. Of Higgins we are told that he was "A man for whom the English language has no adequate name—a nondescript in knavery, whose countenance is a map of the empire of sin, an index of the dark and dangerous soul it masks—whose life, from his cradle, has been one unremitting catalogue of crimes, multiplied in arithmetical progression. He stands forward as the supporter of Government men and measures; and building on that circumstance a presumptuous importance, hurls slander and defamation at the most virtuous and exalted characters in the land. He practises the most wily stratagems for the attainment of gain—profanes the name of great men by boasting their intimacy, and after alluring mankind into his fraudulent snares, seduces the judges of the land to his protection, and attaches the powers of the law, of the Government, and the most sacred privileges of the Constitution to his cause."\*

But could the patriot mind of John Magee have taken a prophetic view of the events of '98, and witnessed, like Asmodeus, certain dark doings which the vulgar eye failed to penetrate, how infuriate would be his denunciations of Francis Higgins, and how unbounded his wrath—softened, perhaps, by one not unpleasant reflection, to wit: that when others prized the Sham Squire's friendship as that of a man whose subsequent good conduct and high position had amply redeemed the escapades of his youth, Magee saw through the black perfidy, which innately filled his soul, and in the very teeth of threats most terrible, painted it in colors strong and lasting.

Until 1859 the name of the man who pocketed the wages of poor Lord Edward Fitzgerald's blood, remained a dark and painful mystery. "The betrayer still preserves his incognito," writes the usually temperate historian of the men and times of '98; "his infamy, up to the present time, (Jan. 1858), remains to be connected with his name, and once discovered, to make it odious for evermore! Nine and fifty years the secret of the sly, skulking villain has

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\* *Dublin Evening Post*, No. 1812.

been kept by his employers, with no common care for his character; but dead or alive his infamy will be reached in the long run, and the gibbeting of that name of his will be accomplished in due time.”\*

Though in open defiance of the laws the gambling hell in Crane-lane was still allowed to exist under the very shadow of the Castle, and within three minutes' walk of the Board of Police. Whether Higgins were really a secret partner in its profits, as confidently alleged, we shall not now pause to discuss, although tradition distinctly favours the allegation. Mr. Higgins is entitled to the benefit of his denial; but no matter who may or may not have been connected with this infamous den, it is at least evident that the Executive had no right to survey placidly, for one day, much less for fifteen years, an institution so pernicious to the morals, health, wealth and happiness of the people. These matters may be worthy of note, as curiously illustrative of Dublin at the time of which we write. Perhaps we should not occupy these pages with such details had a recent valuable work descriptive of the localities in which the incidents occurred, mentioned them.

That Mr. Higgins was no novice in the art and mystery of the gambling table is certain. A very scarce work printed in 1799, and entitled “Sketches of Irish Political Characters,” mentions “the Sham's admission to the profession of attorney, in which his practice is too notorious to require statement,” and adds: “his next step to wealth was in the establishment of a hazard table, which soon attracted a number of sharps, scamps, and flashmen, and they as soon attracted the attention of the Sham—ever on the watch to promote his own interest. The sharp was useful to cheat the unwary of their money, and keep it in circulation at his table. The scamps plunder on the road, visited the *Corner-House*, and if taken up by the officers of justice, he seldom failed, for acquaintance-sake, to employ the owner in his capacity of solicitor. The flashman introduced him (Higgins) to the convenient matron, whom he seldom failed to lay under contribution—the price of protecting her in her profession.” We further learn that the city

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\* Lives and Times of the United Irishmen, by R. R. Madden, New Edition, 1859, v. ii.

magistrates were all afraid to interfere with Mr. Higgins and his delinquencies, lest a slanderous paragraph or lampoon from the arsenal of the *Freeman's Journal* should overtake them.

Ten years previous to the publication of the foregoing, the vigilant moralist, Magee, labored to arouse the magistracy to a sense of their duty. "For fifteen years," we are told, "there has existed under the eye of magistracy, in the very centre of the metropolis, *at the corner of Crane-lane*, in Essex-street, a notorious school of nocturnal study in the doctrine of chances—a school which affords to men of the town an ample source of ways and means in the pluckings of those unfledged green-horns, who can be inveigled into the trap—which furnishes to the deluded apprentice a ready mart for the acquisition of experience, and the disposal of any loose cash that can be purloined from his master's till—which affords to the working artizan a weekly asylum for the reception of that stipend which honest industry should allot to the purchase of food for a wife and children; and which affords to the spendthrift shop-keeper a ready transfer office, to make over the property of his creditors to the plunder of knaves and sharpers."\*

Two months after we find addressed to the authorities a further appeal, occupying several columns, and to the same effect.†

But the Board of Police was, in fact, a most imbecile body. Among a long series of resolutions adopted in August, 1789, by the gifted and highly influential men who formed the Whig Club, we find: "the present extravagant, ineffectual, and unconstitutional police of the city of Dublin has been adopted, continued, and patronised by the influence of the present ministers of Ireland. All proceedings in Parliament to remove the grievance, or censure the abuse, have been resisted and defeated by the same influence. The expediency of combating by corruption, a constitutional majority in Parliament has been publicly avowed, and the principle so avowed has been carried into execution."

At last a Committee was granted to inquire into the Police, whose extravagance and inefficiency had now ren-

\* *Dublin Evening Post*, No. 1782.

† *Ibid.*, No. 1801.

dered them quite notoriously contemptible. They had long wallowed in indolent luxuriousness on the public money. Among their items of expense were: "For two inkstands for the Police, £5 5s. 6d.; three penknives, £2 2s. 3d.; gilt-edged paper, £100; Chambers' Dictionary, £11 7s. 6d." Among their books was Beccaria on Crime, with a commentary from Voltaire.\*

The spirit of John Magee was unbending and indomitable. An interval of liberty between his conviction and whatever day he would be brought up to receive sentence from Lord Clonmel, was now at his disposal, and he certainly employed it in a singular way. Profoundly indifferent to all personal consequences, he most imprudently resolved to spend a considerable sum of money in wrecking his vengeance on Lord Clonmel. This eccentric scheme he sought to carry out in an indirect, and as he felt assured, a perfectly legal manner. Having found himself owner of £14,000, Magee settled £10,000 upon his family, and with a chuckle declared that the balance it was his intention, "with the blessing of God, to spend upon Lord Clonmel."† The unpopular chief of the King's Bench resided in a handsome villa near the Black Rock, now known as Temple Hill, but then rejoicing in the appellation of Neptune.‡ On the splendid parterres and pleasure grounds which luxuriantly environed it, Lord Clonmel had spent several thousand pounds, while in the direction and superintendance of the improvements many an anxious, as well as many a precious hour, had been consumed. The wild and uncultivated district of Dunleary without, only served to make the contrast more powerful and striking. But alas! this exquisite oasis the vindictive proprietor of the *Post* resolved to lay waste. As an important preliminary step he purchased from Lady Osborne a large tract of ground immediately adjoining Lord Clonmel's villa, and dubbed it forthwith by the style and title of Fiat Hill.§ Magee speedily announced, but with a little mental reservation,

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\* Grattan's Memoirs, v. iii., p. 456.

† Personal Recollections of Lord Cloncurry—1849. P. 58.

‡ "Neptune, the elegant seat of Lord Clonmel"—Seaward's Topographia Hibernia, Dub. 1795.

§ *Dublin Evening Post*, No. 1798.



that in honour of the birth-day of the Prince of Wales he would give, at Dunleary, a grand *Bra Pleasura*, to which he solicited the company of all his friends, private and political, known and unknown. Various field sports, with plenty of Silvester Costigan's whiskey, were promised as an inducement. "At one o'clock," to quote the original advertisement, "the Ball will be kicked on Fiat Hill. Dinner on the tented field at 3 o'clock. Table d'hote for ladies and gentlemen. Cudgel playing at five with cool umpires to prevent ill temper, and preserve good humour."\*

The late Lord Cloncurry's clear and vigorous memory has furnished us with the following very graphic sketch of the singular scene which took place upon this occasion. "I recollect attending," writes his Lordship, "and the fete certainly was a strange one. Several thousand people, including the entire disposable mob of Dublin, of both sexes, assembled as the guests at an early hour, and proceeded to enjoy themselves in tents and booths erected for the occasion. A variety of sports were arranged for their amusement, such as climbing poles for prizes, running races in sacks, grinning through horse-collars, and so forth, until at length, when the crowd had attained its maximum density, towards the afternoon, the grand scene of the day was produced. A number of active pigs, with their tails shaved and soaped, were let loose, and it was announced that each pig should become the property of any one who could catch and hold it by the slippery member. A scene, impossible to describe, immediately took place; the pigs, frightened and hemmed in by the crowd in all other directions, rushed through the hedge which then separated the grounds of Temple Hill from the open fields; forthwith all their pursuers followed in a body, and, continuing their chase over the shrubberies and parterres, soon revenged John Magee upon the noble owner."

Another pen, more powerful than Lord Cloncurry's but hardly more accurate, tells us that "Lord Clonmel retreated like a harpooned leviathan—the barb was in his back, and Magee held the cordage. He made the life of his enemy a burden to him. Wherever he went he was lampooned by a ballad-singer, or laughed at by the populace. Nor was

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\* *Dublin Evening Post*, No. 1793.

Magee's arsenal composed exclusively of paper ammunition. He rented a field bordering his Lordship's highly-improved and decorated demesne. He advertised, month after month, that on such a day he would exhibit in this field a *grand Olympic pig hunt*: that the people, out of gratitude for their patronage of his newspaper, should be gratuitous spectators of this revived *classical* amusement; and that he was determined to make so amazing a provision of whiskey and porter, that if any man went home thirsty it should be his own fault. The plan completely succeeded. Hundreds and thousands assembled; every man did justice to his entertainer's hospitality: and his Lordship's magnificent demesne, uprooted and desolate, next day exhibited nothing but the ruins of *the Olympic pig hunt*.\* So far Mr. Phillips.† The Court of King's Bench had not yet opened for term, and Lord Clonmel was tranquilly rustivating at Temple Hill. Pallid with consternation, he rang an alarum bell, and ordered his post-chaise, with four of the fleetest horses in his stable, to the door. The chief Justice bounded into the chariot frantically; the postillions plied their whips: the chaise rattled amid clouds of dust down Fiat Hill: the mob with deafening yells followed closely behind. Lord Clonmel, almost speechless with terror, repaired to the Castle, sought the Viceroy, swore "*by the Eternal*,"‡ that all the country south of Dublin was in a state of insurrection; implored his Excellency to summon the Privy Council, and to apply at once for extraordinary powers, including the suspension of the Habeas Corpus act.§

The appeal of the Chief Justice prevailed, and on September 3rd, 1789, we find Magee dragged from his home by a strong body of the weak and inefficient police of Dublin, and consigned to a dungeon in Newgate.|| He

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\* Curran and his Contemporaries, by Charles Phillips, p. 37. Both Lord Cloncurry and Mr. Commissioner Phillips, however, have failed to tell the curious circumstances which led to Magee's bloodless victory on "Fiat Hill."

† Sir Jonah Barrington describes the scene to much the same effect, with this addition: that Magee introduced "asses dressed up with wigs and scarlet robes, and dancing dogs in gowns and wigs as Barristers."

‡ A favorite exclamation of Lord Clonmel's. *Vide* Rowan's Autobiography, p. 208.

§ Tradition communicated by Rev. Dr. O'H——.

|| *Dublin Evening Post*, No. 1809.

was previously, however, brought before Sir Samuel Bradstreet, Recorder of Dublin, on the charge of having announced that "there would be thirty thousand men at Dunleary." The Judge required personal bail to the amount of £5,000, and two sureties in £2,500 each, for five years,\* a demand not so easy for a printer in a moment to meet. Such mandates as these, amounting in some instances to perpetual imprisonment, soon brought but too fatally the administration of justice into contempt.

It is right to record that no unnecessary harshness seems to have been shown to Magee during his incarceration. Unlike the case of Lord Cloncurry, Magee was permitted the full use of pen, ink, and paper—a concession as acceptable to him as it was creditable to the Government. He constantly wrote letters for the *Post* signed with his name, and bearing the somewhat inflammatory date of "Newgate, 22nd October, fiftieth day of my confinement"—varied of course according as time progressed—and he was not diffident in adversely criticising the policy of the Viceroy, as well as some leading members of the Privy Council including Lord Clonmel. "The man who villifies established authority," says Junius, "is sure to find an audience." Magee was no exception to the rule. He became an intense popular favorite; and the galleries of Crow-street theatre used nightly to resound with "a cheer for Magee, the man for Ireland!" and "a groan for the Sham!"†

Magee's letters made frequent reference to the sufferings to which the Government had subjected him. Thus in No. 1789 he tells us, "I have been four times fiatted, and dragged through the streets like a felon—three times into dungeons!" But having on October 29th received a notification from Government declaratory of its willingness to accept the sum of £4,000 as bail "to keep the peace for five years towards Lord Clonmel," Magee bade adieu to his dungeon for the present, and, accompanied by Hamilton Rowan, attended the Court and gave the required surety. "Mr. Magee, on being discharged, walked to his own house in College Green, greeted by the loud congratulations of the people."‡

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\* *Dublin Evening Post*, No. 1814.

† Trial of Magee for libel on R. Daly, p. 30.

‡ *Dublin Evening Post*, No. 1833.

Poor Magee's spell of liberty seems to have been of lamentably, and we may add, of most capriciously short duration. The sweets of liberty were once more exchanged for the bitters of "durance vile." In the *Dublin Evening Post* of November 12, 1789, we read—"Magee was brought up from the Lock-up House, where he had been confined since Tuesday last upon fiats granted by Lord Clonmel at the suit of Messrs. Higgins, Daly, Brennan, and Miss —, to the amount of £7,800. Mr. Magee moved for a new trial in the matter of the alleged libel against Higgins. But the Chief Justice refused the motion, and informed the Sheriff that Magee was now a convict, and that he should be conducted to Newgate forthwith."\* The struggle was one of Might against Right. In October, 1789, the Attorney General admitted in open court that the prosecution of Magee was "a Government business."†

Arguments having been, on Nov. 19, heard in arrest of judgment on Magee, the Chief Justice adjourned the sentence to next term, and admitted him to bail on the comparatively moderate recognizance of £500. Magee was therefore discharged, but it seems as if the law authorities, with Lord Clonmel at their head, had been only playing off some malign practical joke upon him, for we read that no sooner had Magee "reached High-street after receiving his discharge than he was taken into custody by the sheriffs on different fiats amounting to £7,800!"‡ Verily, the tortures of Tantalus were nothing to John Magee's. Fiat Hill was at last avenged!

The very name of fiats had now become almost as terrible as lettres de cachet: but in the Irish Parliament of 1790, they providentially received their death blow; and Lord Clonmel himself literally perished in their *debris*.

Of this unconstitutional agent of—in many bygone instances—oppression, the *Post* truly and temperately observed: "The bare reflection that the liberty of the subject, the safety of his property, and the happiness of his family, are at the mercy of the most unprincipled of his enemies—that he is liable to be torn from his family and business and hurried to a gaol, on the affidavit of any

\* *Dublin Evening Post*, No. 1839.

† *Ibid*, 1834.

‡ *Ibid*, 1844.

designing person who can impose on the credulity or bias the passions of a judge, and be plunged into all the horrors of penal imprisonment under excessive bail—without the interference of a jury—is surely sufficient to intimidate the weakest men in a society governed under such a law.”\* And again: “If the amount of the sum for which bail must be found is to be measured and ascertained only by the conscience of the *affidavit-man*, then indeed any profligate character may lodge in Newgate the Duke of Leinster or Mr. Conolly, for sums which even they would not find it possible to procure bail.” On January 28th, 1790, Magee was once more committed to prison.

Owing in a great degree to the unflagging denunciations of Magee the Police Board in September, 1789, attempted some vigorous reformatations; and at last nocturnal gambling houses were menaced with extinction. Magee, even in the gloom of his dungeon, exulted over the threatened downfall of Crane-lane. The gambler’s soliloquy went on to say:—

Yes! ’tis a fatal dreadful revolution!  
 A change repugnant to the dear delights  
 Of night enveloped guilt, of midnight fraud  
 And rapine long secure; of dexterous art  
 To plunge unthinking innocence in woe,  
 And riot in the spoils of beggar’d youth!  
 Sad Revolution! Hence come lethargy,  
 Come inactivity, and worse than all,  
 Come simple honesty! The dice no more  
 Shall sound their melody, nor perj’ry’s list,  
 Swell at the nod of dark collusive practice!  
 Gaols lie unpeopled, and rest gibbets bare,  
 And Newgate’s front board take a holiday!  
 Crane Lane, thou spot to Pandemonium dear,  
 Where many a swarthy son of Chrisal’s race  
 My galligaskin lined, &c.†

Alderman Carleton made four seizures. “And yet,” said the *Post*, “as fast as their implements are seized—their tables demolished—and their gangs dispersed—the very next night new arrangements and new operations are on foot. Who but the protected proprietor of this infamous den; who but a ruffian who can preserve his plunder in security, and set law and gospel at defiance, would dare at such audacious perseverance?”‡

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\* *Dublin Evening Post*, March 2, 1790.

† *Ibid*, No. 1813.

‡ *Ibid*, 1827.

Soon after we find that “the Crane-lane gambling-house, the better to defeat the future encroachments of the police, now assumes the face of a coffee-house and tavern, and has taken out a wine license—a mere mask for the protection of an infernal nest of nocturnal villany.”\*

Meanwhile Mr. Higgins’s ready pen continued to rage with fury against all whose views did not exactly chime with those held by his employers. A cotemporary Journal says: “Squire Higgins, whose protected system of virulent and unremitting slander crows in triumph over the community, does not scruple to avow his indifference to anything which prosecution can do, guarded, as he is, by the intimate friendship, and implicit confidence of the Bench. He openly avows his disregard of Mr. Grattan’s prosecution for a libel now pending against him, and says that he shall be supported by the Castle.”† Mr. Higgins having foully libelled a respectable official in the Revenue, legal proceedings were instituted; but one of the Government lawyers refused, in December, 1788, to move, although fee’d in the cause.

Poor Magee’s cup of bitterness and humiliation was at last filled to the brim, by a proceeding which is best described in his own letter to Lord Chancellor Clare. There is a singular mixture of tragedy and farce in the energetic efforts which were now openly made to extinguish him. We transcribe the journalist’s appeal:—

Newgate, Oct. 1.

MY LORD—I have now been confined in this prison of the felon, housebreaker, and murderer, 29 days—21 of which time mostly to my bed. Judge, on my rising yesterday, to be seryed with a notice to appear to-morrow, at the House of Lords, on a charge of lunacy, and that by some interested persons, who, without even the shadow of relationship, have secured my property, and that to a very great amount, and refused by these very people, even ten guineas to procure common necessaries in a prison. Bail I cannot produce; my character as a trader is blasted, my property, as a citizen embezzled, my intellects, as a man, suspected by a false and slanderous charge of insanity,

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\* *Dublin Evening Post*, No. 1829.

† *Ibid*, No. 1825.

every engine employed by a designing, needy, and desperate junto, for the absolute deprivation of my property, total destruction of *all* that those who respect themselves prize more even than life. My Lord, I claim the interposition of your authority as the first in law power—I supplicate your humanity as a man, a parent, a husband, that I may be permitted to confront my accusers at the House of Lords on to-morrow.”

To justify the charge of lunacy against John Magee, it was alleged among other flimsy pretexts, that he had established boat-races, and foot-ball matches at Dunleary, and presided over them “in a round hat and feathers.”\* We cull a few passages from the newspaper report:—

*The Chancellor*—Mr. Magee, have you anything to say?

As to what, my Lord?

You have heard the matters with which you are charged. I am called upon to issue a commission to try whether you are insane or not. If you are found insane I am then to appoint a guardian of your person, and a guardian of your property, and you will become a ward of the Court of Chancery. Have you any Attorney?

No, my Lord. Some time ago I sent for Mr. Kenny as my Solicitor. He came to me and found me sick in bed. I opened my case to him, and he promised to call upon me next day; but the first intimation I had of Mr. Kenny afterwards was, that he was preparing briefs against me for this prosecution. Does your Lordship chose that I should call witnesses. My own physician is here.

Has he made an affidavit?

He has, my Lord.

The Chancellor declared that there was not the shadow of ground for issuing a commission. Supposing all the charges true they only amounted to acts of extravagance and indiscretion. If he was to grant a commission of lunacy against every man who did an extravagant, an unwise, or even a bad thing, he was afraid he should have a great many wards. He had observed Mr. Magee during the whole time he had been in court, and he saw nothing insane about him. He must therefore refuse the application.

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\* There is a trivial anecdote of Magee traditionally preserved in the office of the *Evening Post*, illustrative of his unawed demeanour in the very presence of Lord Clonmel, by whose domineering manner even the inner Bar were often overborne. Magee stood up in court, and addressed a few apt observations to the Bench, in justification of his hostility to Francis Higgins. But having styled him the “Sham Squire,” Lord Clonmel interrupted Magee with some petulance, declaring that he would allow no nicknames to be used in that court. “Very well, John Scott,” replied the editor of the *Post* resuming his seat, “your wish is a law.” But that Magee carried his bluntness towards Lord Clonmel too far is evident, from an anecdote related by Sir Jonah Barrington in his *Personal Sketches*. When Magee was brought up for Judgment on one of the

Magee's triumph began to date from this day. In the journals of the Irish House of Commons (v. xiii. p. 179-80) we find it "ordered that the proper officer do lay before the house an attested copy of the affidavit filed in the Queen's Bench, on which the Chief Justice ordered that a writ should issue, at the suit of Francis Higgins and others against John Magee, for £7,800. On March 3rd, 1790, the entire case was very lucidly brought before Parliament by George Ponsonby, afterwards Lord High Chancellor of Ireland. He shewed that the practice of issuing fiats under such circumstances was most unconstitutional, and a direct violation of the Bill of Rights, and he reminded the House, that while Warren Hastings, who was accused of plundering India, murdering its inhabitants, and rendering the Government corrupt and odious, was only held to £10,000 bail, an obscure Irish Printer on a mere individual affirmation, was held to bail for £7,800. Mr. Ponsonby ridiculed the idea of Higgins swearing that he "had been injured in his unspotted, unblemished reputation" by the lampoons of John Magee: he shewed the utter frivolousness of the grounds on which Daly sought, and obtained a fiat for £4,000. Daly's affidavit recited a verse of Magee's describing young Roscius in great despondency, and he swore that he was the person indicated. How lines so innocuous could draw forth the heavy stroke of legal vengeance to which we have referred, will not fail to surprise the reader.

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Higgins or Daly libels, he pleaded in mitigation that he was ignorant of the publication not having been in Dublin when the libel appeared. He had been, indeed, entertaining the citizens under the Earl's windows, at Dunleary, and saw his Lordship peeping out from the side of one of them all that day; and next morning he had overtaken his lordship riding into town. "And by the same token," continued the eccentric Traverser, "your lordship was riding cheek by jowl with your own brother Mathias Scott, the tallow chandler, and audibly discussing the price of fat, at the very moment I passed you."

A general laugh was inevitable; but his lordship adroitly averted it by saying that it was obvious, from the poor man's manner, that he was not, just then, in a state to receive definite judgment; that the paroxysm should be permitted to subside before any sentence could be properly pronounced. For the present, therefore, he should only be given into the care of the Marshal, until it should be ascertained how far the state of his intellect should regulate the court in pronouncing its judgment. Sir Jonah, to point Magee's retort still more, adds: "Lord Clonmel and Mathias Scott vied with each other which had the largest and most hanging pair of checks—vulgarly called *jowls*."



“ This shall end my woes and me, he cried,  
And drew the glittering weapon from his side ;  
But as too hard the yielding blade he pressed,  
The tragic tin bent harmless on his breast.”

George Ponsonby was ably supported by Arthur Browne, who showed that the practice of granting fiats had been scarcely, if at all, heard of till the reign of Charles II, and was then introduced by the Judges, as appears from the Law Reports of the time, with much timidity and hesitation. We find it confined to a few instances only in which very gross bodily injuries had been inflicted; and even then the bail demanded was exceedingly small. Mr. Browne cited one case in which the Court absolutely refused a fiat, although it was an instance of a great breach of the peace—putting a man’s arm out of joint. “ In England fiats have never been granted except where the parties swore to particular instances of damage; the principle of swearing *generally*, as in the present case, has always been reprobated there. Some time since this power has been applied in Ireland to actions where there was no certainty of damage. Till of very late years the evil was moderate; but since a certain learned judge came upon the bench it has grown to an enormous height. Sir, under the auspices of that judge these doctrines have been advanced, that any man may at his pleasure, with perfect impunity, deprive any other of his liberty by an affidavit swearing that he believes he has suffered damage without shewing when or how—that his fancy, or his perjury, is to be the guide of the judge’s discretion, and the bail is to be accommodated to the ideal wrongs, to the fancied injuries, to the angry passions, or the wanton prevarication of a wicked or enraged Prosecutor. What is the consequence? No man, however free from debt, or unconscious of crime, shall walk in security in the public streets. He is liable to arrest for any amount; and if he seeks to punish the accuser he finds no spot on which to lay his hand. How can he indict the accuser for perjury? He only swore a general affirmative that he had been damaged. Who can prove a general negative that he had not? He only swore to the belief of damage. Who can arraign his capricious fancy, or convict it of perjury? If he had sworn to a particular instance that his arm had been broken, that he had lost the setting of a house, or the customers of his shop, I

might prove the falsehood of the assertion by evidence. But upon a general charge nothing remains but submission and a prison.

“This power has been particularly directed against printers. Whoever presumed to print or publish without the leave, or not under the direction of Francis Higgins, was in great danger of a fiat: numbers of printers have been run down by fiats whom the public never heard of. John Magee was more sturdy, and therefore his sufferings made more noise. Four fiats were issued against him in June, 1789, to the amount of £7,800; he was kept in prison from June to the end of November before the question whether this bail should be reduced was decided. Mr. Higgins had now by the practice of the Courts, (which gives a Plaintiff three terms before he need try his action,) power to keep Magee in prison till November next, so that he may lie in prison nineteen months for want of bail before the action be tried—perhaps afterwards have a verdict in his favour, or only 8d. damages be given against him. Each of the bail must swear himself worth twice the sum for which he was security, *i.e.* £30,000, and more in this case. What gentleman could find such bail? It amounted to perpetual imprisonment. We may talk of independance, but liberty is no more—the security of our boasted emancipation is a name, for we have nothing to secure.

“Do not be intimidated by being told this is a legal question; questions of property are complex and require study, but thank heaven, questions of liberty are simple; for heaven which intended it the lot of all men has made it intelligible to all. It speaks by feeling, not by study.

“See what an instrument this doctrine might be in the hands of private malice, or public oppression. Suppose a man, willing to wreak his vengeance upon his foe, and for that purpose, recommending himself to the favour of the bench. Suppose a bad man in possession of the ear of a judge, his old friend and companion, perhaps instilling his poison into it, and willing to make it the conduit through which to wreck his vengeance on his foe; suppose him to recommend himself by every willing and base act, to a wicked judge, and such may be conceived. *Suppose him the minion of that judge, requiring a little mutual favour for his multiplied services, and asking the debasement of the*

*bench as the price of former aid in the elevation of that judge.* \* \* \* Suppose the slanderous assassin, seeking for a fiat against a far less criminal than himself, and fixing the sum which he thinks sufficient to throw his neighbour into eternal bondage; is it not possible that his friendly judge may listen to his argument in memory of old festivity, and grant him a fiat, even to his heart's content, although by so doing, your courts of law, instead of being the sacred fountains of justice, should become the channels of malevolence? They saw that if ever an angry judge should blend his passions with his judgment; having been abused himself, should chose to retort that abuse ten-fold; having been reviled, should revile again; should make the bench ridiculous by laughable defences of himself, and abuse of others, and administer justice, not in mercy, but in anger, that a fiat might become the instrument of vindictive oppression, instead of salutary caution! If the wretched victims of this assumed power, do not find redress here, they know not where to fly for refuge; on this house depends the fate of all who are or may be subject to this tyranny. If they do not find redress here, they must be lost; but they will be lost in the wreck of the national character. What an instrument might such a power be in the hands of a bad Government! what an instrument may it be against the liberty of the Press! How easily may any printer, who presumes to open his mouth against administration, be run down by it. We have called upon the administration to correct this evil, and have met with a refusal. It absurdly espouses a subject with which it has no concern, and which it cannot defend."

The practise of issuing fiats was soon after restricted to a defined and definite sum. Intense was the humiliation of Lord Clonmel at the victory obtained by Magee. Mr. Phillips informs us, that a withered heart began to form in the Chief Justice's breast from that day. Magee exposed his errors, denied his merits, magnified his mistakes, ridiculed his pretensions, and continually edging, without overstepping the boundary of libel, poured upon the Chief Justice, from the battery of the press, a perpetual broadside of sarcasm and invective.

"Save us from our friends, we know our enemies," is an old and trite adage. Groaning beneath the weight of

Magee's hostility, Lord Clonmel pursued the uneven tenor of his way, but when at length, the startling fact became evident, that even the fidelity of Higgins had begun to break down, the Chief felt, if he did not ejaculate, *et tu Brute!* Mr. Curran, in his *Bar Sketches*, relates on the authority of Charles Kendal Bushe, a story which clearly shews that in 1794, Lord Clonmel bitterly complained of having been lampooned by the *Freeman's Journal*. So much for the instability of human friendship!

Lord Clonmel became, at last, singularly sore and sensitive in regard to public criticism on his conduct. Rowan's *Autobiography* records a strange dialogue between his lordship and a bookseller named Byrne, into whose shop Lord Clonmel swaggered, on seeing Rowan's trial advertised. One sentence will convey an idea of the colloquy, as well as of the times in which such language could be hazarded by a judge. "Take care, sir, what you do; I give you this caution; for if there are any reflections on the judges of the land, by the eternal G—— I will lay you by the heels."

Lord Clonmel's health and spirits gradually broke down, and accounts of his death were daily circulated. On one of these occasions, when he was really very ill, a friend said to Curran, "Well, they say Clonmel is going to die at last. Do you believe it?" "I believe," said Curran, "he is scoundrel enough to live or die, *just as it suits his own convenience!!*" Shortly before the death of Lord Clonmel, Mr. Lawless, afterwards Lord Cloncurry, had an interview with him, on which occasion the Chief Justice exclaimed, "My dear Val, I have been a fortunate man through life; I am a Chief Justice and an Earl, but were I to begin the world again, I would rather be a chimney-sweeper, than connected with the Irish Government."

But we must not lose sight of the Sham Squire. We now find him accused of "purloining a document from the office of the King's Bench, and committing erasures and alterations thereon, for the purpose of securing the conviction of a defendant, and depriving him of the benefit of a fair plea against judgment. This," adds the *Post*, "is of a piece with the notorious theft committed on the Grand Jury bag, in the Town Clerk's office, a few weeks since, of the bills against the markers and other vagabonds of the Crane-

Lane gambling-house. If such felonious audacities are suffered to escape with impunity, the dignity, the law, the equity of the bench, and the lives and properties of the honest part of the community, are no longer safe against the daring acts of cunning and villany."\* Mr. Higgins denies the charge in the *Freeman's Journal* of the day; but the subject, notwithstanding, was brought before Parliament, on March 5, 1790.

"Mr. Arthur Browne rose to state, that in a certain suit, Higgins against Magee, it had appeared to the perfect conviction of every man in court, that two erasures and certain alterations had been made in the record; that a circumstance so momentous had astonished and alarmed all present, the court especially, who had promised to make a solemn investigation of it, and 'probe it to the bottom.' He had since heard from some friends, that it would not be proper to commence an enquiry until the suit, in which this record was involved, should be finally determined: no such objection had been offered by the court at the time of discovering the forgery; nay, the court, on the instant, had certainly commenced an enquiry, though he never heard they had carried it farther.

"He said, that this dark and wicked transaction did, at the time of its being discovered, greatly alarm the bar; and in consequence a numerous and most respectable meeting of barristers took place, at which meeting he attended, and there did promise, that if the court of king's bench should not follow up the enquiry with effect, he would bring it before parliament: it certainly was the business of the court of king's bench to have taken it up; but they not having done so, he was resolved to keep his promise, and never lose sight of it till parliament should decide upon it.

"The enquiry was, whether the public records of the highest court of criminal judicature, by which the life and property of any man in the realm might be affected, were kept with that sacred care, that no man could have access to alter or erase them? and whether the officers of that court were so honest and so pure, that they would not allow of any corrupt access?" †

But let us hasten to record the only really meritorious act in the entire life of Mr. Higgins. The reader, after having tasted so many nauseous details, is now fairly entitled to something palatable. Anxious to throw the utmost amount of light on the career of Francis Higgins we lately examined, in the Prerogative court, his original "Last Will and Testament." From this remarkable document we learn that the Sham Squire's conscience was not by any means hopelessly callous. On the contrary, while yet compara-

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\* *Dublin Evening Post*, No. 1843.

† *Irish Parl. Debs.*, v., 10, p. 382.

tively young, it seems to have given him a good deal of uneasiness; and it may not unreasonably be inferred, that unscrupulous as we have seen Mr. Higgins, his early life was chequered by sundry peccadillos which will remain irrevocably veiled from the historian's gaze. Whatever these may have been they contributed to disturb the serenity of his manhood. Unable any longer to bear the reproachings of his hard-earned but ill-gotten wealth, Mr. Higgins, on September 19th, 1791, then aged forty-five, mustered up courage and bequeathed a considerable portion of it to charitable purposes. It is amusing to trace the feeling of awe which in the last century filled our frail ancestors previous to attempting a voyage across St. George's Channel! Mr. Higgins's will begins by saying, that as he meditates a voyage to England, he thinks it prudent to prepare his "last will and testament," and by way of "making atonement to the Almighty for his manifold transgressions," he is desirous of leaving large sums of money to charitable purposes. But before he proceeds to specify them, the vanity of the Sham Squire shews itself in a command to his executors to commemorate his memory in a proper manner, on a slab "well secured with lime, brickwork, and stone," in Kilbarrack Churchyard. To defray the expenses of this monument, Mr. Higgins left £30, as also £10 for his funeral. To a person who had been of considerable use to Mr. Higgins, and had clung to him with great fidelity, but who suffered most seriously through his instrumentality, he bequeathed not only £1000 as "compensation," but all such property as might remain after paying the other bequests; while to all the nieces and nephews of the same party he likewise made pecuniary gifts. But perhaps the most remarkable item in the will is £1000 which he bequeathed to be laid out on landed security, in order that the annual interest might be applied to the relief and discharge of debtors confined in the city marshalsea on Christmas eve in each year. This generous bequest has served, we trust, to blot out some of the Sham Squire's achievements, not alone at the hazard table, but by means of sundry legal quibbles and doubles. Having been the means in early life of considerably increasing the number of inmates at the Lying-in-Hospital, Mr. Higgins now very creditably bestowed £100 upon that Institution. To an

asylum for ruined merchants known as Simpson's Hospital, he bequeathed £50, and ordered that a particular ward in that establishment should be especially erected and dedicated to his memory. To the Blue Coat Hospital, where his friend Jack Giffard and other kindred spirits passed a considerable portion of their youth, Mr. Higgins left the sum of £20. The poor schools of the metropolis were not forgotten. He bequeathed £10 to each of the Protestant schools, as well as a like donation to the Catholic Charity Schools of "Rosemary lane, Adam and Eve, Bridge-street, Church-street, Francis-street, Stephen-street, and Lazor-hill." Father Arthur O'Leary, of the Order of St. Francis, was also advantageously remembered by Mr. Higgins. To that accomplished and amiable ecclesiastic he bequeathed the sum of £100: but it is worthy of remark that O'Leary not only never lived to enjoy it, but passed into eternity almost simultaneously with the Sham Squire, in January, 1802. To George J. Browne, assistant editor of the *Freeman*, £50 was bequeathed in order to purchase mourning for Mr. Higgins. Peter Kelly, apothecary, Christopher Teeling, M.D., and J. Malone, Wool-scribbler, were also named more or less advantageously. The will was witnessed by George Faulkner.

In September, 1791, Mr. Higgins declares that he has £7,000 lodged in Finlay's bank; "but my property," he adds, "will, I believe, much exceed this sum when all is estimated." Mr. Higgins having lived for eleven years subsequent to the date of his will, during which time he labored with fiercer zeal, and reaped still richer remuneration than before, it may be inferred that his property in 1802 was not far short of £20,000. Besides, his practice as an attorney largely increased. He had previously been merely an attorney of the King's Bench, Common Pleas, and Tholsel, but on January 1st, 1791, he was admitted a solicitor in Chancery pursuant to an order made by Lord Chancellor Clare.\* His intimacy with influential people extended; in short, "he was patronised and protected by all that was great and powerful in the State."†

But let us hurry to the master stroke of the Sham

\* Wilson's Dublin Directories.

† *Dublin Evening Post*, No. 1770.

Squire's life of cunning—an achievement anonymously notorious for more than half a century, but which until the last three months had never been placed to the credit of the real designer. To go into the details of the chequered life and tragic death of Lord Edward Fitzgerald forms no part of our present purpose, although, some historic remarks might, perhaps, be admissible to justify his policy, and to enlist the readers' sympathy. But that task has been already so exquisitely performed by Mr. Moore, not to speak of the zealous labours of Dr. Madden, that any expatiation on the subject from our pen would probably seem a work of supererogation. That the very peculiar circumstances of the time amply justified the patriot Peer in meditating an appeal to arms, no doubt can be entertained by any dispassionate student of the history of the period. A purer, a more generous, or a more chivalrous spirit, never breathed, than gallant Lord Edward Fitzgerald; and to these noble qualities historians of every shade of political opinion have always borne willing and earnest evidence. During the month of May, 1798, his Lordship remained secreted in the neighbourhood of Thomas-street. On the 17th of that month Major Sirr received intelligence that Lord Edward would proceed at a certain hour that night from Lord Moira's house on Usher's Island. The Major having taken measures accordingly, a conflict took place between his party and Lord Edward's body-guard; but the Geraldine eluded the fatal grasp of Major Sirr.\* On the following night his Lordship left the house of James Moore, merchant, 119, Thomas-street, where he had been for some time secreted, and proceeded to the feather stores of an honest adherent, named Murphy in the same street, who had promised to afford him shelter. Murphy received his noble guest with a *cead mille a failthe*; but next morning both were thrown into a state of great alarm by observing a Sergeant's Guard pass down the street, and halt before Moore's door. The source from whence the espionage proceeded has hitherto remained a dark and painful mystery. In the meantime, one of the most distinguished of Lord Edward's followers acted very incautiously during the excitement which the appearance of the soldiers

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\* Moore's Memoirs of Lord Edward Fitzgerald, Paris Ed., p. 158.



produced, by walking rapidly up and down the street, and periodically accosting Murphy, who was standing inside his gate-way, with—"Is he safe? Look sharp."

On September 3rd, 1830, Major Sirr informed Thomas Moore that he did not receive information of his Lordship's retreat until "the moment before he acted upon it."\* Poor Lord Edward had been suffering from a sore throat and cold, and his appearance, we are told, was sadly altered for the worse. He was reclining, half dressed, upon a bed, about to drink some whey which Murphy had prepared for him,† when Major Swan, Captain Ryan, and Major Sirr surprised him. Having offered a desperate resistance, and received a mortal wound from Sirr's pistol, as well as a dastardly stab in the back of his neck, the noble prisoner died in excruciating bodily pain, and delirium, a few days afterwards in Newgate. "One circumstance," says a writer, "is worthy of especial notice. Like Junius an unfathomed mystery prevails as to who it was that betrayed Lord Edward Fitzgerald, and received the reward of £1,000."‡

When one remembers the undying interest and sympathy which has so long been interwoven with the name of Lord Edward Fitzgerald, not only in Ireland but elsewhere, it is indeed surprising that for sixty-one years the name of the person who received £1,000 for discovering him should have never transpired. The secret must have been known to many persons in the Castle, and the Executive; yet even when the circumstance had grown so old as to become the legitimate property of history, they could not be induced to relax their reserve. Whenever any inquisitive student of the stormy period of '98 had the courage to ask Major Sirr to tell the name of Lord Edward's betrayer, the Major invariably drew forth his ponderous snuff-box, inhaled a prodigious pinch, and solemnly turned the conversation. Thomas Moore, when engaged upon the *Life and Death of Lord Edward Fitzgerald*, made two special visits to Ireland for the purpose of procuring on the spot all the sadly interesting particulars of his Lordship's short but striking career. The Castle was then occupied by an Irish

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\* Moore's Diary, v. vi., p. 134. † Nicholas Murphy's Narrative.

‡ Castlereagh papers, vol. i, p. 468, First series.

Whig administration, of which party one prominent cabinet minister has said that the people were driven to justifiable resistance in '98,\* and another that the Rebellion was "wickedly provoked, rashly begun, and cruelly crushed."† But notwithstanding Moore's influence with the Whigs, and their sympathy, more or less, with the work which he had in hand, he failed to elicit any useful information, although the Castle archives abounded with such matter. Dr. Madden was somewhat more fortunate. In 1841 he obtained access to a number of receipts for secret service money, as well as to a book in which the various sums and the names of the parties to whom paid are entered. But perhaps the most interesting entry was written in such a manner as effectually to defeat the ends of historic curiosity.

In the book of Secret Service Money Expenditure, now in the possession of Charles Haliday, Esq., the entry "*June 20th, [1798], F. H. Discovery of L. E. F. £1,000,*" appears on record. The researches and inquiries of one of the most indefatigable of fact-gatherers proved vain. Dr. Madden could obtain no satisfactory clue to the informer. From p. 450 to 459 of the second edition of his *United Irishmen* (First series) published a few months ago, he states many reasons which have induced him to think that John Hughes may have been the successful informant; but that the author did not regard them as quite satisfactory is evident from observations (v. i. p. 507, and v. ii. pp. 443—617,) in which suspicion is suggested against Joel Hulbert. Watty Cox declared that Mr. Laurence Tighe, who lived within two doors of the house in which Lord Edward was arrested, had played the spy; while, on the other hand, Dr. Brennan, in his *Milesian Magazine*, for 1812, broadly charged Cox with the perfidy. Poor Murphy, in whose house Lord Edward was taken, has not been exempted from the wide-spread feeling of suspicion; and the memory of

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\* *Memoirs of the Whig Party during my Time*, by Lord Holland. This distinguished nobleman commences a long chapter in eulogy of Lord Edward Fitzgerald with:—"More than twenty years have now passed away. Many of my political opinions are softened—my predilections for some men weakened, my prejudices against others removed: but my approbation of Lord Edward Fitzgerald's actions remains unaltered and unshaken. His country was bleeding under one of the hardest tyrannies that our times have witnessed."

† Lord John Russell's *Preface to Moore's Memoirs*, v. i., p. 18.

Samuel Neilson, one of the truest disciples who followed the patriot peer, suffered from a dark inuendo advanced in Moore's "Life of Lord Edward Fitzgerald," and echoed by Maxwell (p. 47,) in his "History of the Irish Rebellion." To one of the most honourable and influential of Lord Edward's followers Charles Phillips under an erroneous impression, refers in a startling note attached (p. 288) to the last edition of "Curran and his Contemporaries." "I have had," he writes, "the name of Lord Edward's betrayer disclosed to me; it has never yet been published, nor shall it be by me. The innocent living ought not to suffer for the guilt of the dead. It was, however, the act of a Judas. He was, to the last, apparently, the attached friend of his victim." In a memoir of O'Connell known to be from the pen of the late Mark O'Callaghan, brother to the distinguished Historian of the Irish Brigades, it is stated positively and unequivocally (p. 32,) that John Hughes received £1,000 for the betrayal of Lord Edward. The son and biographer of the notorious Reynolds, writes, (v. ii. p. 194,) "the United Irishmen, and their partisans, especially Mr. Moore, emboldened by the distance of time and place, have insinuated that my father was the person who caused the arrest of Lord Edward." Further on at p. 234 Mr. Reynolds flings the onus of suspicion on Murphy, while Murphy in his own account of the transaction says: "I heard in prison that one of Lord Edward's body-guard had given some information." Interesting as it is, after half a century's speculation, to discover the name of the real informer, it is still more satisfactory that those unjustly suspected of the act should be finally acquitted from it.

One of the most valuable letters printed by Mr. Ross in his *Memoirs and Correspondence of Marquis Cornwallis* (v. iii. p. 320,) is that addressed by Secretary Cooke at the close of 1800 to his Excellency, in which various persons are recommended as fit recipients for a share in the £1,500 per annum, which in 1799 had been placed for secret service at the disposal of the Lord Lieutenant. It may be premised that "Mac" is Leonard McNally, the legal adviser and advocate of the United Irishmen. His opportunities for staggings were great, as besides being a United Irishman himself, his name may be found for the defence in almost every state trial from Rowan's in 1794 to that of the Catholic Delegates in 1811.

*Pensions to Loyalists.*—I submit to your Lordship on this head the following:—First that Mac — should have a pension of £300. He was not much trusted in the Rebellion, and I believe, has been faithful. Francis Higgins, Proprietor of the *Freeman's Journal*, was the person who procured for me all the intelligence respecting Lord Edward Fitzgerald, and got — to set him, and has given me much information, £300.\*

Mr. Under-Secretary Cooke and Francis Higgins were very old acquaintances. He first came to Ireland in 1778 with Sir Richard Heron, Chief Secretary under Lord Buckinghamshire, and having efficiently discharged the duties of clerk or amanuensis to that gentleman, he was appointed Military Secretary, in 1789, and obtained a seat in the Irish Parliament.† During the Rutland administration Mr. Cooke contributed papers to the *Freeman's Journal* “under the auspices of the Sham Squire;” one entitled *The Sentinel*, acquired some historic notoriety.‡ Mr. Cooke's services were further rewarded by the office of Clerk of Commons with £800 a year, as well as by the lucrative sinecure of Customer of Kinsale.

At a later period he became Secretary to the Treasury and Under-Secretary of State in the War and Colonial Department. For an account of Mr. Cooke's extraordinarily active and wily services in furthering the progress of the Legislative Union, the reader is referred to the works of Sir Jonah Barrington, *passim*.

The considerate and cautious manner in which Mr. Cooke leaves a blank for the name of the individual who performed the office of “setter” at the instance of Francis Higgins, suggests that he must have been a person of some station in society, and one whose future prospects and peace of mind would be apt to suffer were he publicly known to have tracked Lord Edward Fitzgerald to destruction. Mr. Cooke also leaves a blank for the name of Leonard M'Nally; his guilt did not transpire until after his death in 1820; but since then it has been but too notorious.

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\* It is strange that Mr. Ross, who has generally exhibited such vigilance and research as Editor of the Cornwallis Papers, should print such a note as the following (v. ii. p. 339.) “The man who gave the information which led to his arrest received £1,000, but his name has never transpired.”

† Castlereagh Papers, v. i., p. 314.

‡ Irish Political Characters, Lond. 1799, p. 180.

In the first volume of the new edition of Dr. Madden's "United Irishmen," he furnishes, from page 364, a highly interesting account of "the Secret Service Money Expenditure, extracted from original official documents." At page 393 we learn that Mr. Francis Magan, a Roman Catholic barrister, not only received large sums down, but enjoyed to the day of his death a pension of £200 per annum. On the back of all Mr. Magan's receipts, the Chief Secretary of Ireland, has appended a memorandum to the effect that Mr. Magan did not wish to criminate openly but staggged *sub rosa*. Dr. Madden remarks—"Counsellor Francis Magan's services to Government, whatever they were, were well rewarded. Besides his secret pension of £200 a-year, he enjoyed a lucrative official situation in the Four Courts, up to the time of his decease. He was one of the Commissioners for enclosing Commons." Mr. Magan's are, we believe, the only secret services unaccounted for; and it becomes our duty to endeavour to trace them on such circumstantial evidence as may seem entitled to examination. That Mr. Magan was the person of consideration whom Francis Higgins urged to "set" Lord Edward Fitzgerald we are strongly inclined to believe. Between the Magan family and Mr. Higgins a close intimacy subsisted for many years. The Counsellor's father was the late Thomas Magan of High-street, Woollen-draper, traditionally remembered by the sobriquet of "Whistling Tom." In the Dublin Directory for 1770 his name and occupation appear for the first time. So far back as June 30, 1789, we find it recorded in the *Dublin Evening Post* that "yesterday Mr. Magan of High-street, entertained Mr. Francis Higgins" and others. "The glass circulated freely, and the evening was spent with the utmost festivity and sociality." The *Post* in conclusion ironically calls him "Honest Tom Magan." By degrees we find Mr. Tom Magan dabbling in Government politics. The *Evening Post* of November 5th, 1789, records:—

"Mr. Magan, the Woollen-draper, in High-street, in conjunction with his friend Mr. Higgins, are preparing ropes, and human brutes to drag the new viceroy to the palace. It was Mr. Magan, and the Sham Squire who provided the materials for the triumphal entry of Lord Buckingham into the capital. Quere—Should not the inhabitants of Dublin, who had their windows broke on that glorious illu-

mination order their glaziers to entreat Mr. Magan and Mr. Higgins to cast an eye on the *tots*? Mr. Magan is really clever, and never has flinched in his partiality and attention to the cause of Mr. Francis Higgins—Mr. Magan has the honor, and that frequently, to dine Messrs Higgins, Daly, Brennan,\* and Houlton.

The two last named it will be remember were the Sham Squire's colleagues on the *Freeman's Journal*.

The *Post* further instances an act of great friendship which Mr. Magan performed with a view to serve Mr. Higgins. And there is good reason to believe that the Sham Squire was not unmindful of those services. In the directory for 1794 we find Mr. Tom Magan styled "Woollen-draper and Mercer to His Majesty"—a very remarkable instance of state favour towards any Roman Catholic trader at that period of sectarian prejudice and ascendancy. He died in 1797, and with his son, who became a member of the Irish Bar in M. 1796, Mr. Higgins continued to maintain a friendly intimacy and intercourse. From the year 1796 Francis Magan resided with his sister until his

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\* We find that C. Brennan, whose rotten political character Magee had long seen through and execrated, and in whose favour Lord Clonmel had most unconstitutionally granted a fiat against Magee, ended the records of his ignoble career by figuring among the recipients of Secret Service money. On March 22, 1798, we have "Major Sirr for C. Brennan, by direction of Mr. Cooke, £22 15s.," and on the 31st of the same month a similar entry appears. On May 12th, £11 7s. 6d. is placed to his credit; but from May 31st, 1798, when he received twenty guineas, Brennan's claims for reward seem to have been no further acknowledged by the Government. His services consisted probably in writing paragraphs in praise of the Camden administration, but that they were regarded as of very secondary importance is evident from the widely disproportioned sums which were paid to other venal journalists such as Mr. H. B. Cody, who repeatedly figures in the Secret Service money-book with never less than £100 linked to his name. A stimulant to Mr. Higgins's zeal as a castle journalist, appears in the shape of one hundred sovereigns by the hands of Mr. Cooke on January 13th, 1798.

We had an idea of subjoining here some extracts from the Sham Squire's leaders against the popular party, and in praise of the clemency of the Government; but having already published them in the *Freeman* of February 8th, 1859, and in the *Nation* of the 19th Feb., it is probably unnecessary to repeat them. The object in reviving these paragraphs was to shew on evidence, the mistake into which the *Times* and other influential journals fell in pronouncing the *Freeman's Journal* to have been "a favorite organ of the United Irishmen."—See Preliminary Words.

death in 1844, at 20, Usher's Island, within a few doors of Moira House, whither Lord Edward Fitzgerald, in disguise, had paid more than one visit in May, 1798. It will be remembered that on the night of the 17th of that month, in consequence of private information, Lord Edward was attacked on his way to Usher's Island, as Moore says, or returning from Usher's Island, as Dr. Madden has it. A Memoir of the Patriot Nobleman, written in 1808 by Watty Cox, (one of his body-guard) mentions that Lord Edward had been concealed in Moira House until May 17th. From the Castlereagh Papers (i. 459) we learn that *Mr. Secretary Cooke* received positive information of these movements of Lord Edward in the vicinity of Usher's Island, which preceded the final intelligence which led to his arrest some days afterwards in Thomas-street. Mr. Cooke in the letter just published in the Cornwallis Papers, assures the Viceroy that *all* the information respecting Lord Edward had come from Francis Higgins, who succeeded in persuading some person, for whose name the under-Secretary considerably gives a dash, "to set" the unfortunate young Nobleman.

Lord Edward lingered until June 4th, 1798, when he died a martyr's death. Mr. Higgins at once claimed his blood-money, and on the 20th inst. we find that one thousand pounds were paid to him. How much of this sum was given by the Sham Squire to his friend "the setter," or what previous agreement there may have been between them, will probably never be known. In 1799 an act was passed placing a considerable sum at the Viceroy's disposal for secret services. Francis Magan is the only important member of the suborned staff of stags whose secret services have been historically unaccounted for. Irrespective of his pension, and subsequently lucrative office, there is conclusive evidence to shew that shortly after the disastrous period of '98 he received some large sums for espionage through the hands of Francis Higgins. In the long array of items extracted by Dr. Madden from the Secret Service Book, we find under date "September 11, 1800," (*United Irishman*, 2nd Ed. i. 379.) "Magan, per Mr. Higgins £300." Independent of his pension the sums of £500 and £100 were afterwards privately presented to Mr. Magan.

Mr. Magan possessed peculiar facilities, local and otherwise, for "setting" the movements of Lord Edward Fitzgerald. Lady Edward, as we learn from Moore's Memoirs, was at Moira House, within a few doors of Mr. Magan's residence, while his Lordship lay concealed in Thomas-street adjacent. A more devoted wife never lived, and continual communication took place between them. From Island-street, where according to Murphy's narrative, Major Sirr made an ineffectual attempt, on May 17th, to capture Lord Edward, there is a back passage leading into Moira House. Immediately adjacent a back entrance into the premises formerly occupied by Mr. Magan also exists. This dispensed with the observation which might naturally be attracted by Mr. Magan going out by his own hall-door. So much for local facilities. That Mr. Magan had been a member of the Society of United Irishmen, and of course tolerably conversant with their secrets, does not seem to have come to the knowledge of Dr. Madden. But of this fact there can be no doubt. A gentleman whose brother had been betrothed to one of Mr. Magan's sisters is our informant; but he adds that Magan withdrew from the brotherhood when the popular excitement was rushing to a crisis. It is worthy of remark that Leonard M'Nally had been also a member of the fraternity.

The few surviving friends of Mr. Magan describe him as a prim, reserved, and somewhat unsociable being. During the whole term of his life he was never known to handle a brief. With the exception of his daily walk of six minutes duration to the Commissioner of Commons Office, he rarely went abroad, but lived a sort of recluse at 20, Usher's Island. From even the endearments of conjugal confidence and love Mr. Magan shrunk. He died a frigid old bachelor in 1844. From the year '98 the house seemed as though it had not been painted. During the Magan tenancy it was a dingy, dusty, and uninviting habitation. Miss Magan, an elderly and very eccentric spinster, continued to reside alone at Usher's Island after her brother's death. She found herself, on his demise, possessed of an enormous sum of money; and she became so penurious, anxious, and nervous in consequence that the poor lady was in constant fear of being attacked or robbed. From almost every person who approached her she shrunk with



terror. Miss Magan felt persuaded that designs on her purse, to be accomplished by either force or fraud, were perpetually in process of concoction by her narrow circle of friends. Death at last released Miss Magan from this mental misery. Having piously received the last rites of the Catholic Church, she left considerable sums in charity, and amongst others the munificent bequest of twelve thousand pounds for founding a Lunatic Asylum at Clontarf. With the death of this eccentric spinster the family of which she was a member became utterly extinct.

Having, since the foregoing remarks were written, inquired from a gentleman, who had been intimately acquainted with the family, whether he even knew Francis Magan to be accused of complicity in the discovery of Lord Edward Fitzgerald, he replied that no one to his knowledge had ever made the allegation except the late Mr. Joseph Hamilton, author of a number of pamphlets on political and local history. What evidence may have led Mr. Hamilton to this conclusion we cannot say.

But it is time to bring these pages to a close. Some persons may think that we have said more than enough; and others may perhaps say that any new suggestions or remarks regarding the betrayers of Lord Edward Fitzgerald, are the legitimate property of Dr. Madden, who has devoted so much time and space to the subject. But that Dr. Madden himself does not hold these narrow sentiments is clear. "To those" he writes (I. S. vol. ii. 446.) "To those who may be disposed to follow up those efforts of mine to bring the villain's memory to justice, I would suggest let them not seek for the betrayer of Lord Edward Fitzgerald in the lower or middle classes of the Society of United Irishmen."

Little further remains to be told regarding the career of the Sham Squire. In 1799 we catch a parting glimpse of him, in a work descriptive of the actors in the Union struggle. "From his law practice, his gaming-table contributions, and news-paper," says this work, "the Sham now enjoys an income that supports a fine house in a fashionable quarter of a great city, whence he looks down with contempt on the poverty of many persons, whose shoes he formerly cleaned."

Mr. Higgins did not long live to enjoy the price of poor Lord Edward Fitzgerald's blood. On the night of January

19th, 1802, he died suddenly at his house in Stephen's Green, aged fifty-six. His will, drawn up eleven years previously, bequeathed his body to Kilbarrock Churchyard, and there it was accordingly deposited. A more picturesque spot "where erring man might hope to rest," it would be difficult to select. Situated at the edge of the proverbially beautiful Bay of Dublin, the ruins of Kilbarrock have long existed as a monument of that primitive piety which prompted the Irish mariners of the fourteenth century, to erect a chapel in honour of St. Mary Star of the Sea, wherein to offer up an earnest orison for the souls of their messmates, who had perished beneath the waves.

In accordance with Mr. Higgins's expressed wishes, a large tabular tomb was erected over his remains, in 1804. It records that "the legal representatives of the deceased deem it but just to his memory here to inscribe that he has left bequests behind him, a memento of philanthropy, liberality and benevolence to the poor and distressed, more durable than can sculptured marble perpetuate, as it will last for ever, and be exemplar to all those to whom Heaven has entrusted affluence." [Here the bequests are enumerated in detail.] "Reader," adds the epitaph, "you will judge of the head and heart which dictated such distinguished charity to his fellow-creatures, liberal as it is impartial, and acknowledge that he possessed the true benevolence which Heaven ordains, and never fails everlastingly to reward."

Through life Higgins was the subject of popular execration, and even in death this enmity pursued him. Many years ago some persons unknown, visited his tomb, and smashed off the portion on which the words, "sacred to the memory of Francis Higgins" were inscribed. The thickness of the slab is considerable; and nothing short of a ponderous sledge hammer could have effected this destruction. On September, 15, 1853, a gentleman having visited Kilbarrock, published a letter in the *Freeman*, requesting to know not only the name of the person on whom so eulogistic an epitaph had been written, but the fate of the trust-money recorded on the tomb. "It is gross ingratitude," he added, "and practical materialism, to allow the tomb and memory of such a philanthropist to perish for want of a suitable monument to mark his last resting-place, and I should only

hope that among so many benefitted, one, at least, may be found to turn to the grave of their common benefactor." A letter in reply, informed the querist that it belonged to "a very eccentric, though charitable individual, who lived upwards of half a century ago, and was known in Dublin by the nickname of the Sham Squire. \* \* \* This is an identification of the parties ; but it will hardly satisfy your correspondent in regard to the trust bequest for poor debtors, or offer any apology or explanation of why the tomb of such a charitable testator should be left so totally neglected and defaced by the highway." But this impression of Mr. Higgins's worth is not general. An alderman of the old Corporation, who resided at Sutton, observed to a friend of ours, in 1820, that in riding into town he never could pass Kilbarrock church-yard, without dismounting from his horse for the purpose of ridiculing and insulting the "storied urn" of Francis Higgins. The act, though a gothical one, very conclusively shews what impression the Sham Squire's career left on the minds of those who had been personally acquainted with him.

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Doctor Houlton, the Sham Squire's literary colleague, whose name has been repeatedly mentioned in the foregoing pages, lost nothing by his connection with Francis Higgins. Raymond's Memoir of Dermody, published in 1806, informs us (i. 26.) that Dr. Houlton received "a medical appointment under the Irish Government." The Doctor acted a humane part in befriending the unfortunate poet, Dermody ; and judging by a letter which occupies thirty pages in the memoir, he seems to have been a man of much erudition. The Doctor's house was as showy as his style. Mr. Raymond informs us that Daly's head scene painter, from the Theatre Royal, put it through a process of decoration.

## APPENDIX.

This little work would be probably regarded as imperfect if it terminated without tracing the various Proprietary of the *Freeman's Journal* since the death of Francis Higgins in 1802. During that year it passed into the hands of Philip Whitfield Harvey of the west Middlesex militia, an Irishman of liberal opinions. Mr. Harvey gradually restored the paper to its old and popular policy; but it did not become thoroughly national until 1826, when Henry Grattan, late M. P. for Meath, became proprietor of the *Freeman*. The circulation had considerably suffered about this time, owing to the vigorous and effective rivalry which two other daily papers of liberal politics continued to maintain in Dublin. We allude to the *Morning Register* and *Carrick's Morning Post*, both since deceased. In 1829 the *Freeman* was sold for the small sum of fifteen hundred pounds to Mr. Patrick Lavelle, a respectable Catholic gentleman of the County of Mayo, and a graduate of Trinity College. Mr. Lavelle, who also acted as editor, was a very able and enthusiastic politician, and his ability and zeal were attested not only by various prosecutions, but by the admittedly increased pecuniary value of the Journal, during the period of his connexion with it. To his ardor as a popular politician, Thomas Moore, who had personal communication with him in 1831, bears evidence in his diary. Mr. Lavelle died in 1840, and the *Freeman* continued to be edited under the auspices of his widow, until the following year when it was purchased for six thousand pounds by John Gray, M.D., Wilson Gray, George Atkinson, M.D., and W. Torrens McCullagh, afterwards M.P. for Dundalk, and favourably known as the biographer of Richard Lalor Sheil. The circulation soon increased largely, and in 1843 the proprietors of the paper would not have sold it for £20,000. In 1851 Dr. Gray became the sole proprietor of the *Freeman's Journal*,

### JOHN MAGEE AND LORD CLONMEL'S FIATS.

Since the foregoing pages were sent to press, we have met with another scarce pamphlet (see p. 61, *ante*,) containing "Mr. Sheridan's Arguments," before the Judges of the King's Bench, to admit John Magee to Common Bail, for lampooning the Sham Squire's colleague, Richard Daly. It is printed and published in London—a circum-

stance illustrative of the wide sensation which Lord Clonmel's arbitrary conduct excited. The pamphlet derives additional interest from a mass of marginal notes in the autograph of Leonard McNally. Mr. Sheridan having brought forward a host of high law authorities to shew the illegality of holding to Special Bail a man charged with defamation, proceeded to exhibit the ludicrous weakness of the affidavit upon which Lord Clonmel issued a Fiat for £4,000. Daly's claims against Magee for damages were based upon a mock heroic poem in which Daly was supposed to figure under the title of Roscius, and Higgins under that of Francisco. Daly having recited this absurd poem in his affidavit, added that he had children "among whom are four growing up daughters, who in their future prospects may receive considerable injury;" and Daly wound up by swearing that he had suffered damages to the amount of £4,000 by — the injuries which his family, or himself might hereafter suffer!

Mr. Sheridan went on to say—

"Magee has made an affidavit, in which he swears, that a writ issued in last Trinity Term, to the Sheriffs, marked for £4,000, under authority of a Fiat granted by the Lord Chief Justice, and founded on an affidavit; that upon such writ he was arrested in *June* last; that in consequence of a number of vexatious suits and prosecutions against him, and in consequence of the proceedings in this cause, and from the reiterated abuse he has received in the *Freeman's Journal*, he is extremely injured in his credit, insomuch, that though he has used every effort in his power, *he cannot now procure one bail in this cause for the amount of the sum marked at the foot of said writ, or to any larger amount than £500, and faith, he verily believes, that the Plaintiff hath not suffered damage in this cause to any amount whatever.*"

Mr. Sheridan having adduced a large array of legal authorities in laboring to effect a reduction of the Bail, thus concluded:—

"But, my Lords, laying aside the parties, and the particular circumstances of the case, what is the great and important question?—if the extensive and extending conscience of a suitor partial to himself, in fancied injuries and imaginary ills, can impose on the credulity of a Judge; if the Judge may, at his *discretion*, hold a subject in prison

*previous to trial*, on terms with which he cannot comply ; the *discretion* of the Judge may become the *pleasure* of the Man ; where then will be the difference between FIAT and LETTER DE CACHET? If such be the practice, *we are not safe* ; we have obtained nothing by the glorious Revolution ; we have no security in the great Charter, in the Bill of Rights, in the Habeas Corpus : the achievements of liberty may decorate the monument of a former constitution, or be like standards taken from an enemy, hung up, old, torn and useless, save only to shew a degraded posterity, the virtue and valour of their ancestors.—No, my Lords, I trust, that a great and able Judge, will this day add a brighter glory to his name, his rank, and office, than any in the power of Majesty to confer, by nobly saying, what the best have said, and what none but the best will say, *I have been wrong* :—a generous and a grateful people will applaud, bless, record the expression, and honor even the error that caused it.”

Sir Jonah Barrington, one who knew Lord Clonmel intimately, has left us the following graphic sketch of his Lordship.—“ Mr. Scott never omitted one favorable opportunity of serving himself. His skill was unrivalled, and his success proverbial. He was full of anecdotes, though not the most refined : these in private society he not only told, but *acted* ; and when he perceived that he had made a very good exhibition, he immediately withdrew, that he might leave the most lively impression of his pleasantry behind him. His boldness was his first introduction—his policy, his ultimate preferment.—Courageous, vulgar, humorous, artificial, he knew the world well, and he profited by that knowledge :—he cultivated the powerful ; he bullied the timid ; he fought the brave ; he flattered the vain ; he duped the credulous ; and he amused the convivial. He frequently, in his prosperity, acknowledged favours he had received when he was obscure, and *occasionally* requited them. Half-liked, half-reprobated, he was too high to be despised, and too low to be respected. His language was coarse, and his principles arbitrary ; but his passions were his slaves, and his cunning was his instrument. In public and in private he was the same character ; and, though a most fortunate man and a successful courtier, he had scarcely a sincere friend or a *disinterested* adherent.”





























